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# **Committee on Utilities & Telecommunications**

**Wednesday, April 5, 2006  
3:30 a.m. – 5:30 p.m.  
404 HOB**

## **ACTION PACKET**

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**  
**4/5/2006 3:30:00PM**

**Location:** 404 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kenneth Littlefield (Chair)	X		
Bob Allen	X		
Thomas Anderson	X		
Bruce Antone	X		
Gustavo Barreiro	X		
Marti Coley	X		
Anitere Flores	X		
Denise Grimsley	X		
Bob Henriquez	X		
Randy Johnson	X		
Stan Jordan	X		
Arthenia Joyner	X		
David Meador	X		
Dave Murzin	X		
Curtis Richardson	X		
Yolly Roberson	X		
Shelley Vana	X		
<b>Totals:</b>	<b>17</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, April 05, 2006 6:33:47PM

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**4/5/2006 3:30:00PM**

**Location:** 404 HOB

**HB 1191 : Telecommunication Rates**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley	X				
Bob Henriquez	X				
Randy Johnson	X				
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana	X				
Kenneth Littlefield (Chair)	X				
<b>Total Yeas: 16      Total Nays: 0</b>					

**Appearances:**

HB 1191

Mike Twombly, Lawyer (Lobbyist) - Proponent

Florida Utility Watch Inc.

P.o. Box 5256

Tallahassee Florida 32314-5256

Phone: 850-421-9530

HB 1191

Charles Rehwinkel, State Vice President (Lobbyist) - Opponent

Sprint & Large ILECS

315 S. Calhoun St., Suite 500

Tallahassee Florida 32301

Phone: 850-847-0244

HB 1191

Gail Marie Perry, Chairman, CWA (State Employee) - Information Only

Communications Workers of America

P.O. Box 1766

Pompano Beach Florida 33061

Phone: 954-850-4055

Committee meeting was reported out: Wednesday, April 05, 2006 6:33:47PM

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**4/5/2006 3:30:00PM**

**Location:** 404 HOB

HB 1191

Lori Parham, Advocacy Manager (Lobbyist) - Proponent

AARP

200 W. College Ave. 304

Tallahassee Florida 32301

Phone: 850-577-5170

Committee meeting was reported out: Wednesday, April 05, 2006 6:33:47PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1191

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED ☒ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Utilities & Telecommunications  
2 Committee

3 Representatives Littlefield and Farkas offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (5), (6), and (7) of section  
8 364.051, Florida Statutes, are amended to read:

9 364.051 Price regulation.--

10 (5) NONBASIC SERVICES.--Price regulation of nonbasic  
11 services shall consist of the following:

12 (a) Each company subject to this section shall, at its  
13 option, maintain tariffs with the commission or otherwise  
14 publicly publish ~~containing~~ the terms, conditions, and rates for  
15 each of its nonbasic services, and may set or change, on 1 day's  
16 ~~15 days'~~ notice, the rate for each of its nonbasic services,  
17 except that a price increase for any nonbasic service category  
18 shall not exceed 6 percent within a 12-month period until there  
19 is another provider providing local telecommunications service  
20 in an exchange area at which time the price for any nonbasic  
21 service category may be increased in an amount not to exceed 20  
22 percent within a 12-month period, and the rate shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

presumptively valid. However, for purposes of this subsection, the prices of:

1. A voice-grade, flat-rate, multi-line business local exchange service, including multiple individual lines, centrex lines, private branch exchange trunks, and any associated hunting services, that provides dial tone and local usage necessary to place a call within a local exchange calling area; and

2. Telecommunications services provided under contract service arrangements to the SUNCOM Network, as defined in chapter 282,

shall be capped at the rates in effect on July 1, 1995, and such rates shall not be increased prior to January 1, 2000; provided, however, that a petition to increase such rates may be filed pursuant to subsection (4) utilizing the standards set forth therein. There shall be a flat-rate pricing option for multi-line business local exchange service, and mandatory measured service for multi-line business local exchange service shall not be imposed. Nothing contained in this section shall prevent the local exchange telecommunications company from meeting offerings by any competitive provider of the same, or functionally equivalent, nonbasic services in a specific geographic market or to a specific customer by deaveraging the price of any nonbasic service, packaging nonbasic services together or with basic services, using volume discounts and term discounts, and offering individual contracts. However, the local exchange telecommunications company shall not engage in any anticompetitive act or practice, nor unreasonably discriminate among similarly situated customers.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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53 (b) The commission shall have continuing regulatory  
54 oversight of nonbasic services for purposes of ensuring  
55 resolution of service complaints, preventing cross-subsidization  
56 of nonbasic services with revenues from basic services, and  
57 ensuring that all providers are treated fairly in the  
58 telecommunications market. The cost standard for determining  
59 cross-subsidization is whether the total revenue from a nonbasic  
60 service is less than the total long-run incremental cost of the  
61 service. Total long-run incremental cost means service-specific  
62 volume and nonvolume-sensitive costs.

63 (c) The price charged to a consumer for a nonbasic service  
64 shall cover the direct costs of providing the service and shall,  
65 to the extent a cost is not included in the direct cost, include  
66 as an imputed cost the price charged by the company to  
67 competitors for any monopoly component used by a competitor in  
68 the provision of its same or functionally equivalent service.

69 (6) After a local exchange telecommunications company that  
70 has more than 1 million access lines in service has reduced its  
71 intrastate switched network access rates to parity, as defined  
72 in s. 364.164(5), the local exchange telecommunications  
73 company's ~~basic local telecommunications service may, at the~~  
74 ~~company's election, be subject to the same regulatory treatment~~  
75 ~~as its nonbasic services. The company's~~ retail service quality  
76 requirements that are not already equal to the service quality  
77 requirements imposed upon the competitive local exchange  
78 telecommunications companies shall at the company's request to  
79 the commission ~~thereafter~~ be no greater than those imposed upon  
80 competitive local exchange telecommunications companies unless  
81 the commission, within 120 days after the company's request  
82 ~~election~~, determines otherwise. In such event, the commission  
83 may grant some reductions in service quality requirements in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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some or all of the company's local calling areas. The commission may not impose retail service quality requirements on competitive local exchange telecommunications companies greater than those existing on January 1, 2003.

(7) After ~~If~~ a local exchange telecommunications company that has more than 1 million access lines in service has reduced its intrastate switched network access rates to parity, as defined in s. 364.164(5) ~~elects, pursuant to subsection (6), to subject its retail basic local telecommunications services to the same regulatory treatment as its nonbasic services,~~ the local exchange telecommunications company may petition the commission for regulatory treatment of its retail services at a level no greater than that imposed by the commission upon competitive local exchange telecommunications companies. The local exchange telecommunications company shall:

(a) Show that granting the petition is in the public interest;

(b) Demonstrate that the competition faced by the company is sufficient and sustainable to allow such competition to supplant regulation by the commission.

~~(c)-(b)~~ Reduce its intrastate switched network access rates to its local reciprocal interconnection rate upon the grant of the petition.

The commission shall act upon such a petition within 9 months after its filing with the commission. ~~In making its determination to either grant or deny the petition, the commission shall determine the extent to which the level of competition faced by the local exchange telecommunications company permits and will continue to permit the company to have its retail services regulated no differently than the~~



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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~~competitive local exchange telecommunications companies are then  
being regulated.~~ The commission may not increase the level of  
regulation for competitive local exchange telecommunications  
companies to a level greater than that which exists on the date  
the local exchange telecommunications company files its  
petition.

Section 2. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to telecommunications services; amending  
s. 364.051, F.S., relating to price regulation; allowing  
certain local exchange telecommunications companies to  
publish terms, conditions, and rates for nonbasic services  
in lieu of maintaining tariffs with the Public Service  
Commission; revising the notice requirement for price  
changes to nonbasic services; removing a provision that  
allows a company to elect that its basic services be  
subject to the same regulatory treatment as its nonbasic  
services; providing for a request from a company to the  
Public Service Commission to make certain reductions in  
its retail service quality requirements; revising criteria  
for granting a petition to change regulatory treatment of  
retail services; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. 1191

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y) (N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☐ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Littlefield offered the following:

**Amendment to the Strike-All Amendment by Representatives  
Littlefield and Farkas (with title amendment)**

Between lines 6 and 7, insert:

Section 1. Subsection (1) of section 350.042, Florida  
Statutes, is amended to read:

350.042 Ex parte communications.--

(1) A commissioner should accord to every person who is  
legally interested in a proceeding, or the person's lawyer, full  
right to be heard according to law, and, except as otherwise  
authorized by law, or specifically allowed in ss. 120.80(13)(d)  
and 364.017, a commissioner shall neither initiate nor consider  
ex parte communications concerning the merits, threat, or offer  
of reward in any proceeding other than a proceeding under s.  
120.54 or s. 120.565, workshops, or internal affairs meetings.  
No individual shall discuss ex parte with a commissioner the  
merits of any issue that he or she knows will be filed with the  
commission within 90 days. The provisions of this subsection  
shall not apply to commission staff.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
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Section 2. ~~Section~~ 364.017, Florida Statutes, is created to read:

364.017 Ex parte communications.--

(1) To ensure the fairness and integrity of its decisionmaking, the commission shall prescribe rules to regulate ex parte presentations in commission proceedings. The rules shall specify exempt proceedings in which ex parte presentations may be made freely; permit-but-disclose proceedings in which ex parte presentations to commission decisionmaking personnel are permissible but subject to certain disclosure requirements; and restricted proceedings in which ex parte presentations to and from commission decisionmaking personnel are generally prohibited.

(2) In all proceedings, there shall be designated a period of time prior to the date established for making a decision during which all presentations or correspondence to commission decisionmaking staff are prohibited. Exceptions to this requirement shall be any presentation or correspondence otherwise allowed by statute; any presentation that relates to emergency situations involving public health, safety, and welfare; and any presentation involving classified security information.

(3) A person who makes a written ex parte presentation subject to this section shall, no later than the next business day after the presentation, submit two copies of the presentation to the commission's clerk under separate cover for inclusion in the public record. The presentation and cover letter shall clearly identify the proceeding to which it relates, including the docket number, if any; shall indicate that two copies have been submitted to the clerk; and must be labeled as an ex parte presentation. A person who makes an oral ex parte presentation subject to this section that presents data

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

55 or arguments not already reflected in that person's written  
56 comments, memoranda, or other filings in that proceeding shall,  
57 no later than the next business day after the presentation,  
58 submit to the commission's clerk an original and one copy of a  
59 memorandum which summarizes the new data or arguments. A copy of  
60 the memorandum must also be submitted to the commissioners or  
61 commission employees involved in the oral presentation. Any such  
62 memoranda must contain a summary of the substance of the ex  
63 parte presentation and not merely a listing of the subjects  
64 discussed.

65 (4) The commission's clerk shall place in the public file  
66 or record of the proceeding written ex parte presentations and  
67 memoranda reflecting oral ex parte presentations. The clerk  
68 shall issue a public notice listing any written ex parte  
69 presentations or written summaries of oral ex parte  
70 presentations received by his or her office relating to any  
71 permit-but-disclose proceeding. Such public notices should  
72 generally be released at least twice per week.

73 (5) For purposes of this section, the following  
74 definitions shall apply:

75 (a) "Decisionmaking personnel" means any member, officer,  
76 or employee of the commission who is or may reasonably be  
77 expected to be involved in formulating a substantive  
78 recommendation or decision, rule, or order in a proceeding. Any  
79 person who has been made a party to a proceeding or who  
80 otherwise has been excluded from the decisionmaking process  
81 shall not be treated as a decisionmaker with respect to that  
82 proceeding, and any person designated as part of a separate  
83 trial staff shall not be considered a decisionmaking person in  
84 the designated proceeding.

85 (b) "Ex parte presentation" means any presentation that,  
86 if written, is not served on the parties of record to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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proceeding; or, if oral, is made without advance notice to the parties and without opportunity for the parties to be present.

(c) "Presentation" means a communication directed to the merits or outcome of a proceeding, including any attachments to a written communication or documents shown in connection with an oral presentation directed to the merits or outcome of a proceeding. Excluded from this definition are inquiries concerning compliance with procedural requirements if the procedural matter is not an area of controversy in the proceeding, statements made by decisionmakers that are limited to providing publicly available information about pending proceedings, and inquiries relating solely to the status of a proceeding.

===== T I T L E A M E N D M E N T =====

Remove line 126 and insert:

An act relating to telecommunications service regulation; amending s. 350.042, F.S.; specifying provisions for ex parte communications procedures; creating s. 364.017, F.S.; providing for ex parte communications relating to Public Service Commission proceedings; directing the commission to adopt rules to regulate such communications; amending

# COMMITTEE MEETING REPORT

## Utilities & Telecommunications Committee

4/5/2006 3:30:00PM

**Location:** 404 HOB

**HB 1259 : Siting of Electric Transmission Lines**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley			X		
Bob Henriquez	X				
Randy Johnson	X				
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana	X				
Kenneth Littlefield (Chair)	X				
<b>Total Yeas: 15      Total Nays: 0</b>					

### Appearances:

HB 1259

Frank Matthews, Attorney (Lobbyist) - Proponent

Fla. Electric Power Coord. Group

P.O. Box 6526

Tallahassee Florida 32301

Phone: 850-222-7500

Committee meeting was reported out: Wednesday, April 05, 2006 6:33:47PM

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**4/5/2006 3:30:00PM**

**Location:** 404 HOB

**HB 1473 : Energy**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen	X				
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley	X				
Bob Henriquez	X				
Randy Johnson	X				
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana	X				
Kenneth Littlefield (Chair)	X				
<b>Total Yeas: 17      Total Nays: 0</b>					

**Appearances:**

HB 1473

Susan Glickman (Lobbyist) - Opponent  
Natural Resources Defense Council  
P.O. Box 310  
Indian Rocks Beach Florida 33785  
Phone: 727-595-7314

HB 1473

Charles Hinson, VP, Govt. Affairs (Lobbyist) - Proponent  
TECO Energy  
106 E. College Ave.  
Tallahassee Florida  
Phone: 850-681-6785

HB 1473

Gale Dickert - Proponent  
Advocate for Children  
411 Plantation Rd.  
Perry Florida  
Phone: 850-584-5555

Committee meeting was reported out: Wednesday, April 05, 2006 6:33:47PM

**COMMITTEE MEETING REPORT**  
**Utilities & Telecommunications Committee**

**4/5/2006 3:30:00PM**

**Location:** 404 HOB

HB 1473

Ann Vanek Dasovich, Vice Chair, Florida Wildlife Federation - Opponent

Florida Wildlife Federation

489 W. Davis Blvd.

Tampa Florida 33606

Phone: 813-254-2589

HB 1473

Bruce Kershner (Lobbyist) - Proponent

Fla. Solar Energy Assn.

Bay Avenue

Longwood Florida

Phone: 407-830-1882

HB 1473

Holly Binns, Policy Director (Lobbyist) - Opponent

Florida Public Interest Research Group

926 E. Park Avenue

Tallahassee Florida 32301

Phone: 850-224-3321

HB 1473

Ilene Lieberman, County Commissioner - Information Only

Broward County

115 S. Andrews Ave.

Ft. Lauderdale Florida 33301

Phone: 954-357-7000

HB 1473

Diana Grawitch, Legislative Advocate (Lobbyist) - Information Only

Florida Associations of Counties

100 S. Monroe St.

Tallahassee Florida 32301

Phone: 850-922-5650

HB 1473

Grayson Howard - Information Only

9682 Deer Valley Drive

Tallahassee Florida 32312

Phone: 850-894-4444

HB 1473

Gage Howard - Information Only

9682 Deer Valley Drive

Tallahassee Florida 32312

Phone: 850-894-4444

HB 1473

Gunnar Howard - Information Only

9682 Deer Valley Drive

Tallahassee Florida 32312

Phone: 850-894-4444

Committee meeting was reported out: Wednesday, April 05, 2006 6:33:47PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
<u>ADOPTED AS AMENDED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Utilities & Telecommunications  
2 Committee

3 Representative Hasner offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Legislative findings and intent.--The  
8 Legislature finds that advancing the development of renewable  
9 energy technologies and energy efficiency is important for the  
10 state's future, its energy stability, and the protection of its  
11 citizens' public health and its environment. The Legislature  
12 finds that the development of renewable energy technologies and  
13 energy efficiency in the state will help to reduce demand for  
14 foreign fuels, promote energy diversity, enhance system  
15 reliability, reduce pollution, educate the public on the promise  
16 of renewable energy technologies, and promote economic growth.  
17 The Legislature finds that there is a need to assist in the  
18 development of market demand that will advance the  
19 commercialization and widespread application of renewable energy  
20 technologies. The Legislature further finds that the state is  
21 ideally positioned to stimulate economic development through  
22 such renewable energy technologies due to its ongoing and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

23 successful research and development track record in these areas,  
24 an abundance of natural and renewable energy sources, an ability  
25 to attract significant federal research and development funds,  
26 and the need to find and secure renewable energy technologies  
27 for the benefit of its citizens, visitors, and environment.

28 Section 2. Section 377.801, Florida Statutes, is created  
29 to read:

30 377.801 Short title.--Sections 377.801-377.806 may be  
31 cited as the "Florida Renewable Energy Technologies and Energy  
32 Efficiency Act."

33 Section 3. Section 377.802, Florida Statutes, is created  
34 to read:

35 377.802 Purpose.--This act is intended to provide matching  
36 grants to stimulate capital investment in the state and to  
37 enhance the market for and promote the statewide utilization of  
38 renewable energy technologies. The targeted grants program is  
39 designed to advance the already growing establishment of  
40 renewable energy technologies in the state and encourage the use  
41 of other incentives such as tax exemptions and regulatory  
42 certainty to attract additional renewable energy technology  
43 producers, developers, and users to the state. This act is also  
44 intended to provide incentives for the purchase of energy  
45 efficient appliances and rebates for solar energy equipment  
46 installations for residential and commercial buildings.

47 Section 4. Section 377.803, Florida Statutes, is created  
48 to read:

49 377.803 Definitions.--As used in this act, the term:

50 (1) "Act" means the Florida Renewable Energy Technologies  
51 and Energy Efficiency Act.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

52       (2) "Approved metering equipment" means a device capable  
53 of measuring the energy output of a solar thermal system that  
54 has been approved by the commission.

55       (3) "Commission" means the Florida Public Service  
56 Commission.

57       (4) "Department" means the Department of Environmental  
58 Protection.

59       (5) "Person" means an individual, partnership, joint  
60 venture, private or public corporation, association, firm,  
61 public service company, or any other public or private entity.

62       (6) "Renewable energy" means electrical, mechanical, or  
63 thermal energy produced from a method that uses one or more of  
64 the following fuels or energy sources: hydrogen, biomass, solar  
65 energy, geothermal energy, wind energy, ocean energy, waste  
66 heat, or hydroelectric power.

67       (7) "Renewable energy technology" means any technology  
68 that generates or utilizes a renewable energy resource.

69       (8) "Solar energy system" means equipment that provides  
70 for the collection and use of incident solar energy for water  
71 heating, space heating or cooling, or other applications that  
72 require a conventional source of energy such as petroleum  
73 products, natural gas, or electricity that performs primarily  
74 with solar energy. In other systems in which solar energy is  
75 used in a supplemental way, only those components that collect  
76 and transfer solar energy shall be included in this definition.

77       (9) "Solar photovoltaic system" means a device that  
78 converts incident sunlight into electrical current.

79       (10) "Solar thermal system" means a device that traps heat  
80 from incident sunlight in order to heat water.

81       Section 5. Section 377.804, Florida Statutes, is created  
82 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

377.804 Renewable Energy Technologies Grants Program.--

(1) The Renewable Energy Technologies Grants Program is established within the department to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies.

(2) Matching grants for renewable energy technology demonstration, commercialization, research, and development projects may be made to any of the following:

(a) Municipalities and county governments.

(b) Established for-profit companies licensed to do business in the state.

(c) Universities and colleges in the state.

(d) Utilities located and operating within the state.

(e) Not-for-profit organizations.

(f) Other qualified persons, as determined by the department.

(3) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the department shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The department shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The department shall solicit the expertise of other state agencies in evaluating project proposals. State agencies shall cooperate with the Department of Environmental Protection and provide such assistance as required.

Section 6. Section 377.805, Florida Statutes, is created to read:

377.805 Energy Efficient Products Sales Tax Holiday.--  
The tax levied under chapter 212, Florida Statutes, shall not be collected on the sale of an energy efficient product having a selling price of \$1,500 or less per product during the period

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

144 from 12:01 a.m., October 5, through midnight, October 11, in  
145 each year from 2006 to 2009. This exemption applies only when  
146 the energy-efficient product is purchased for noncommercial home  
147 or personal use and does not apply when the product is purchased  
148 for trade, business, or resale. As used in this subsection, the  
149 term "energy-efficient product" means a dishwasher, clothes  
150 washer, air conditioner, ceiling fan, incandescent or florescent  
151 light bulb, dehumidifier, programmable thermostat, or  
152 refrigerator that has been designated by the United States  
153 Environmental Protection Agency and by the United States  
154 Department of Energy as meeting or exceeding each agency's  
155 requirements for energy efficiency or that has been designated  
156 as meeting or exceeding the requirements under the Energy Star  
157 Program of either agency.

158 Section 7. Section 377.806, Florida Statutes, is created  
159 to read:

160 377.806 Solar Energy System Incentives Program.--

161 (1) PURPOSE.--The Solar Energy System Incentives Program  
162 is established within the department to provide for financial  
163 incentives for the purchase and installation of solar energy  
164 systems. Any resident of the state who purchases and installs a  
165 new solar energy system of 2 kilowatts or larger for a solar  
166 photovoltaic system, or a solar energy system that provides at  
167 least 50 percent of a building's hot water consumption for a  
168 solar thermal system from July 1, 2006, through June 30, 2010,  
169 is eligible for a rebate on a portion of the purchase price of  
170 that solar energy system.

171 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

172 (a) Eligibility requirements.--A solar photovoltaic system  
173 qualifies for a rebate if:

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1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the commission.

3. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--The rebate amount shall be set at \$4 per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. \$20,000 for a residence.

2. \$100,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization.

(3) SOLAR THERMAL SYSTEM INCENTIVE.--

(a) Eligibility requirements.--A solar thermal system qualifies for a rebate if:

1. The system is installed by a state-licensed solar or plumbing contractor.

2. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--Authorized rebates for installation of solar thermal systems shall be as follows:

1. \$500 for a residence.

2. \$15 per 1,000 Btu for a maximum of \$5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization. Btu must be verified by approved metering equipment.

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204       (4) APPLICATION.--Application for a rebate must be made  
205       within 90 days after the purchase of the solar energy equipment.

206       (5) REBATE AVAILABILITY.--The department shall determine  
207       and publish on a regular basis the amount of rebate funds  
208       remaining in each fiscal year. The total dollar amount of all  
209       rebates issued by the department is subject to the total amount  
210       of appropriations in any fiscal year for this program. If funds  
211       are insufficient during the current fiscal year, any requests  
212       for rebates received during that fiscal year may be processed  
213       during the following fiscal year. Requests for rebates that are  
214       processed during the following fiscal year shall be given  
215       priority over requests for rebates received during the current  
216       fiscal year.

217       (6) RULES.--The department shall adopt rules pursuant to  
218       ss. 120.536(1) and 120.54 to develop rebate applications and  
219       administer the issuance of rebates.

220               Section 8. Section 377.901, Florida Statutes, is  
221       created to read:

222       377.901 Florida Energy Council.--

223       (1) The Florida Energy Council is created within the  
224       Department of Environmental Protection to provide advice and  
225       counsel to the Governor, the President of the Senate, and the  
226       Speaker of the House of Representatives on the energy policy of  
227       the state. The council should advise the state on current and  
228       projected energy issues including, but not limited to,  
229       generation, transmission, and fuel supply issues. In developing  
230       its recommendations, the commission shall be guided by the  
231       principles of reliability, efficiency, affordability, and  
232       diversity.

233       (2)(a) The council shall be comprised of a diversity of  
234       stakeholders, and may include utility providers, researchers,



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35 fuel suppliers, technology manufacturers, environmental  
236 interests, and others.

237 (b) The council shall consist of nine voting members as  
238 follows:

239 1. The Secretary of the Department of Environmental  
240 Protection or his or her designee who shall serve as chair of  
241 the council.

242 2. The Chair of the Public Service Commission or his or  
243 her designee who shall serve as vice chair of the council.

244 3. One member shall be the Commissioner of the Department  
245 of Agriculture and Consumer Services or his or her designee.

246 4. Two members shall be appointed by the Governor.

247 5. Two members shall be appointed by the President of the  
248 Senate.

249 6. Two members shall be appointed by the Speaker of the  
50 House of Representatives.

251 (c) All initial members shall be appointed prior to  
252 September 1, 2006. Appointments made by the Governor, the  
253 President of the Senate, and the Speaker of the House of  
254 Representatives shall be for terms of 2 years each. Members  
255 shall serve until their successors are appointed. Vacancies  
256 shall be filled in the manner of the original appointment for  
257 the remainder of the term that is vacated.

258 (d) Members shall serve without compensation, but shall be  
259 entitled to travel reimbursement and per diem expenses related  
260 to council duties and responsibilities pursuant to s. 112.061.

261 (3) The Department of Environmental Protection shall  
262 provide primary staff support to the council and shall ensure  
263 that council meetings are electronically recorded. Such  
264 recording shall be preserved pursuant to chapters 119 and 257.

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265       (4) The Department of Environmental Protection may adopt  
266       rules pursuant to ss. 120.536 and 120.54 to implement the  
267       provisions of this section.

268       Section 9. Paragraph (ccc) is added to subsection (7) of  
269       section 212.08, Florida Statutes, to read:

270       212.08 Sales, rental, use, consumption, distribution, and  
271       storage tax; specified exemptions.--The sale at retail, the  
272       rental, the use, the consumption, the distribution, and the  
273       storage to be used or consumed in this state of the following  
274       are hereby specifically exempt from the tax imposed by this  
275       chapter.

276       (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any  
277       entity by this chapter do not inure to any transaction that is  
278       otherwise taxable under this chapter when payment is made by a  
279       representative or employee of the entity by any means,  
280       including, but not limited to, cash, check, or credit card, even  
281       when that representative or employee is subsequently reimbursed  
282       by the entity. In addition, exemptions provided to any entity by  
283       this subsection do not inure to any transaction that is  
284       otherwise taxable under this chapter unless the entity has  
285       obtained a sales tax exemption certificate from the department  
286       or the entity obtains or provides other documentation as  
287       required by the department. Eligible purchases or leases made  
288       with such a certificate must be in strict compliance with this  
289       subsection and departmental rules, and any person who makes an  
290       exempt purchase with a certificate that is not in strict  
291       compliance with this subsection and the rules is liable for and  
292       shall pay the tax. The department may adopt rules to administer  
293       this subsection.

294       (ccc) Equipment, machinery, and other materials for  
295       renewable energy technologies.--

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1. Definitions.--As used in this paragraph, the term:

a. "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Biodiesel may refer to biodiesel blends designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.

b. "Ethanol" means nominally anhydrous denatured alcohol produced by the fermentation of plant sugars meeting the specifications for fuel ethanol and fuel ethanol blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Ethanol may refer to fuel ethanol blends designated EXX, where XX represents the volume percentage of fuel ethanol in the blend.

c. "Hydrogen fuel cells" means equipment using hydrogen or a hydrogen rich fuel in an electrochemical process to generate energy, electricity, or the transfer of heat.

2. The sale or use of the following in the state is exempt from the tax imposed by this chapter:

a. Hydrogen-powered vehicles, materials incorporated into hydrogen-powered vehicles, and hydrogen-fueling stations, up to a limit of \$2 million in tax each state fiscal year.

b. Commercial stationary hydrogen fuel cells, up to a limit of \$1 million in tax each state fiscal year.

c. Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-E85), including fueling infrastructure, transportation, and storage, up to a limit of \$1 million in tax each state fiscal year. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify for the exemption provided by this subsection.

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327       3. The Department of Environmental Protection shall  
328 provide to the department a list of items eligible for the  
329 exemption.

330       4.a. The exemption shall be available to a purchaser only  
331 through a refund of previously paid taxes.

332       b. To be eligible to receive the exemption, a purchaser  
333 shall file an application with the Department of Environmental  
334 Protection. The application shall be developed by the Department  
335 of Environmental Protection, in consultation with the  
336 department, and shall require:

337       (I) The name and address of the person claiming the  
338 refund.

339       (II) A specific description of the purchase for which a  
340 refund is sought, including, when applicable, a serial number or  
341 other permanent identification number.

342       (III) The sales invoice or other proof of purchase showing  
343 the amount of sales tax paid, the date of purchase, and the name  
344 and address of the sales tax dealer from whom the property was  
345 purchased.

346       (IV) A sworn statement that the information provided is  
347 accurate and that the requirements of this section have been  
348 met.

349       c. Within 30 days after receipt of an application, the  
350 Department of Environmental Protection shall review the  
351 application and shall notify the applicant of any deficiencies.  
352 Upon receipt of a completed application, the Department of  
353 Environmental Protection shall evaluate the application for  
354 exemption and issue a written certification that the applicant  
355 is eligible for a refund or issue a written denial of such  
356 certification within 60 days. The Department of Environmental

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Protection shall provide the department with a copy of each certification issued upon approval of an application.

d. Each certified applicant shall be responsible for forwarding a certified copy of the application and copies of all required documentation to the department within 6 months after certification by the Department of Environmental Protection.

e. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval by the department.

f. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

g. The Department of Environmental Protection shall be responsible for ensuring that the exemptions do not exceed the limits provided in subparagraph 2.

5. The Department of Environmental Protection shall determine and publish on a regular basis the amount of sales tax funds remaining in each fiscal year.

6. This exemption is repealed July 1, 2010.

Section 10. Paragraph (y) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.--

(7) Notwithstanding any other provision of this section, the department may provide:

(y) Information relative to ss. 212.08(7)(ccc) and 220.192 to the Department of Environmental Protection for use in the conduct of its official business.

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Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 11. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.--

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, ~~and~~ those enumerated in s. 220.187, and those enumerated in s. 220.192.

Section 12. Section 220.192, Florida Statutes, is created to read:

220.192 Renewable energy technologies investment tax credit.--

(1) DEFINITIONS.--For purposes of this section, the term:

(a) "Biodiesel" means biodiesel as defined in s. 212.08(7)(ccc).

(b) "Eligible costs" means:

1. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit

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418 of \$3 million per state fiscal year for all taxpayers, in  
419 connection with an investment in hydrogen powered vehicles and  
420 hydrogen vehicle fueling stations in the state, including, but  
421 not limited to, the costs of constructing, installing, and  
422 equipping such technologies in the state.

423 2. Seventy-five percent of all capital costs, operation  
424 and maintenance costs, and research and development costs  
425 incurred between July 1, 2006, and June 30, 2010, up to a limit  
426 of \$1.5 million per state fiscal year for all taxpayers, and  
427 limited to a maximum of \$12,000 per fuel cell, in connection  
428 with an investment in commercial stationary hydrogen fuel cells  
429 in the state, including, but not limited to, the costs of  
430 constructing, installing, and equipping such technologies in the  
431 state.

432 3. Seventy-five percent of all capital costs, operation  
433 and maintenance costs, and research and development costs  
434 incurred between July 1, 2006, and June 30, 2010, up to a limit  
435 of \$6.5 million per state fiscal year for all tax payers, in  
436 connection with an investment in the production, storage, and  
437 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in  
438 the state, including the costs of constructing, installing, and  
439 equipping such technologies in the state. Gasoline fueling  
440 station pump retrofits for ethanol (E10-E100) distribution  
441 qualify as an eligible cost under this subsection.

442 (c) "Ethanol" means ethanol as defined in s.  
443 212.08(7)(ccc).

444 (d) "Hydrogen fuel cell" means hydrogen fuel cell as  
445 defined in s. 212.08(7)(ccc).

446 (2) TAX CREDIT.--For tax years beginning on or after  
447 January 1, 2007, a credit against the tax imposed by this  
448 chapter shall be granted in an amount equal to the eligible

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449 costs. Credits may be used in tax years beginning January 1,  
450 2007, and ending December 31, 2010, after which the credit shall  
451 expire. If the credit is not fully used in any one tax year  
452 because of insufficient tax liability on the part of the  
453 corporation, the unused amount may be carried forward and used  
454 in tax years beginning January 1, 2007, and ending December 31,  
455 2012, after which the credit carryover expires and may not be  
456 used. A taxpayer that files a consolidated return in this state  
457 as a member of an affiliated group under s. 220.131(1) may be  
458 allowed the credit on a consolidated return basis up to the  
459 amount of tax imposed upon the consolidated group. Any eligible  
460 cost for which a credit is claimed and which is deducted or  
461 otherwise reduces federal taxable income shall be added back in  
462 computing adjusted federal income under s. 220.13.

463 (3) APPLICATION PROCESS.--Any corporation wishing to  
464 obtain tax credits available under this section must submit to  
465 the Department of Environmental Protection an application for  
466 tax credit that includes a complete description of all eligible  
467 costs for which the corporation is seeking a credit and a  
468 description of the total amount of credits sought. The  
469 Department of Environmental Protection shall make a  
470 determination on the eligibility of the applicant for the  
471 credits sought and certify the determination to the applicant  
472 and the Department of Revenue. The corporation must attach the  
473 Department of Environmental Protection's certification to the  
474 tax return on which the credit is claimed. The Department of  
475 Environmental Protection shall be responsible for ensuring that  
476 the corporate income tax credits granted in each fiscal year do  
477 not exceed the limits provided for in this section. The  
478 Department of Environmental Protection is authorized to adopt



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479 the necessary rules, guidelines, and application materials for  
480 the application process.

481 (4) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF  
482 CREDITS.--

483 (a) In addition to its existing audit and investigation  
484 authority, the Department of Revenue may perform any additional  
485 financial and technical audits and investigations, including  
486 examining the accounts, books, and records of the tax credit  
487 applicant, that are necessary to verify the eligible costs  
488 included in the tax credit return and to ensure compliance with  
489 this section. The Department of Environmental Protection shall  
490 provide technical assistance when requested by the Department of  
491 Revenue on any technical audits or examinations performed  
492 pursuant to this section.

493 (b) It is grounds for forfeiture of previously claimed and  
494 received tax credits if the Department of Revenue determines, as  
495 a result of either an audit or examination or from information  
496 received from the Department of Environmental Protection, that a  
497 taxpayer received tax credits pursuant to this section to which  
498 the taxpayer was not entitled. The taxpayer is responsible for  
499 returning forfeited tax credits to the Department of Revenue,  
500 and such funds shall be paid into the General Revenue Fund of  
501 the state.

502 (c) The Department of Environmental Protection may revoke  
503 or modify any written decision granting eligibility for tax  
504 credits under this section if it is discovered that the tax  
505 credit applicant submitted any false statement, representation,  
506 or certification in any application, record, report, plan, or  
507 other document filed in an attempt to receive tax credits under  
508 this section. The Department of Environmental Protection shall  
509 immediately notify the Department of Revenue of any revoked or

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510 modified orders affecting previously granted tax credits.

511 Additionally, the taxpayer must notify the Department of Revenue  
512 of any change in its tax credit claimed.

513 (d) The taxpayer shall file with the Department of Revenue  
514 an amended return or such other report as the Department of  
515 Revenue prescribes by rule and shall pay any required tax and  
516 interest within 60 days after the taxpayer receives notification  
517 from the Department of Environmental Protection that previously  
518 approved tax credits have been revoked or modified. If the  
519 revocation or modification order is contested, the taxpayer  
520 shall file as provided in this paragraph within 60 days after a  
521 final order is issued following proceedings.

522 (e) A notice of deficiency may be issued by the Department  
523 of Revenue at any time within 3 years after the taxpayer  
524 receives formal notification from the Department of  
525 Environmental Protection that previously approved tax credits  
526 have been revoked or modified. If a taxpayer fails to notify the  
527 Department of Revenue of any changes to its tax credit claimed,  
528 a notice of deficiency may be issued at any time.

529 (5) RULES.--The Department of Revenue shall have the  
530 authority to adopt rules relating to the forms required to claim  
531 a tax credit under this section, the requirements and basis for  
532 establishing an entitlement to a credit, and the examination and  
533 audit procedures required to administer this section.

534 (6) PUBLICATION.--The Department of Environmental  
535 Protection shall determine and publish on a regular basis the  
536 amount of available tax credits remaining in each fiscal year.

537 Section 13. Paragraph (a) of subsection (1) of section  
538 220.13, Florida Statutes, is amended to read:

539 220.13 "Adjusted federal income" defined.--

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540 (1) The term "adjusted federal income" means an amount  
541 equal to the taxpayer's taxable income as defined in subsection  
542 (2), or such taxable income of more than one taxpayer as  
543 provided in s. 220.131, for the taxable year, adjusted as  
544 follows:

545 (a) Additions.--There shall be added to such taxable  
546 income:

547 1. The amount of any tax upon or measured by income,  
548 excluding taxes based on gross receipts or revenues, paid or  
549 accrued as a liability to the District of Columbia or any state  
550 of the United States which is deductible from gross income in  
551 the computation of taxable income for the taxable year.

552 2. The amount of interest which is excluded from taxable  
553 income under s. 103(a) of the Internal Revenue Code or any other  
554 federal law, less the associated expenses disallowed in the  
555 computation of taxable income under s. 265 of the Internal  
556 Revenue Code or any other law, excluding 60 percent of any  
557 amounts included in alternative minimum taxable income, as  
558 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
559 taxpayer pays tax under s. 220.11(3).

560 3. In the case of a regulated investment company or real  
561 estate investment trust, an amount equal to the excess of the  
562 net long-term capital gain for the taxable year over the amount  
563 of the capital gain dividends attributable to the taxable year.

564 4. That portion of the wages or salaries paid or incurred  
565 for the taxable year which is equal to the amount of the credit  
566 allowable for the taxable year under s. 220.181. The provisions  
567 of this subparagraph shall expire and be void on June 30, 2005.

568 5. That portion of the ad valorem school taxes paid or  
569 incurred for the taxable year which is equal to the amount of  
570 the credit allowable for the taxable year under s. 220.182. The

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provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

12. The amount taken as a credit for the taxable year under s. 220.192.

Section 14. Subsection (2) of section 186.801, Florida Statutes, is amended to read:

186.801 Ten-year site plans.--

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of

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Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the commission. A complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, shall constitute an amendment to the 10-year site plan. In its preliminary study of each 10-year site plan, the commission shall consider such plan as a planning document and shall review:

(a) The need, including the need as determined by the commission, for electrical power in the area to be served.

(b) The effect on fuel diversity within the state.

(c)~~(b)~~ The anticipated environmental impact of each proposed electrical power plant site.

(d)~~(c)~~ Possible alternatives to the proposed plan.

(e)~~(d)~~ The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes.

(f)~~(e)~~ The extent to which the plan is consistent with the state comprehensive plan.

(g)~~(f)~~ The plan with respect to the information of the state on energy availability and consumption.

Section 15. Subsection (6) of section 366.04, Florida Statutes, is amended to read:

366.04 Jurisdiction of commission.--

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(6) The commission shall further have exclusive jurisdiction to prescribe and enforce safety standards for transmission and distribution facilities of all public electric utilities, cooperatives organized under the Rural Electric Cooperative Law, and electric utilities owned and operated by municipalities. In adopting safety standards, the commission shall, at a minimum:

(a) Adopt the 1984 edition of the National Electrical Safety Code (ANSI C2) as initial standards; and

(b) Adopt, after review, any new edition of the National Electrical Safety Code (ANSI C2).

The standards prescribed by the current 1984 edition of the National Electrical Safety Code (ANSI C2) shall constitute acceptable and adequate requirements for the protection of the safety of the public, and compliance with the minimum requirements of that code shall constitute good engineering practice by the utilities. The administrative authority referred to in the 1984 edition of the National Electrical Safety Code is the commission. However, nothing herein shall be construed as superseding, repealing, or amending the provisions of s. 403.523(1) and (10).

Section 16. Subsections (1) and (8) of section 366.05, Florida Statutes, are amended to read:

366.05 Powers.--

(1) In the exercise of such jurisdiction, the commission shall have power to prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, including the ability to adopt construction standards that exceed the National Electrical Safety Code, for purposes of ensuring the reliable provision of service and service rules and

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663 regulations to be observed by each public utility; to require  
664 repairs, improvements, additions, replacements, and extensions  
665 to the plant and equipment of any public utility when reasonably  
666 necessary to promote the convenience and welfare of the public  
667 and secure adequate service or facilities for those reasonably  
668 entitled thereto; to employ and fix the compensation for such  
669 examiners and technical, legal, and clerical employees as it  
670 deems necessary to carry out the provisions of this chapter; and  
671 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
672 implement and enforce the provisions of this chapter.

673 (8) If the commission determines that there is probable  
674 cause to believe that inadequacies exist with respect to the  
675 energy grids developed by the electric utility industry,  
676 including inadequacies in fuel diversity or fuel supply  
677 reliability, it shall have the power, after proceedings as  
678 provided by law, and after a finding that mutual benefits will  
679 accrue to the electric utilities involved, to require  
680 installation or repair of necessary facilities, including  
681 generating plants and transmission and distribution facilities,  
682 with the costs to be distributed in proportion to the benefits  
683 received, and to take all necessary steps to ensure compliance.  
684 The electric utilities involved in any action taken or orders  
685 issued pursuant to this subsection shall have full power and  
686 authority, notwithstanding any general or special laws to the  
687 contrary, to jointly plan, finance, build, operate, or lease  
688 generating and transmission facilities and shall be further  
689 authorized to exercise the powers granted to corporations in  
690 chapter 361. This subsection shall not supersede or control any  
691 provision of the Florida Electrical Power Plant Siting Act, ss.  
692 403.501-403.518.

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693       Section 17. The Florida Public Service Commission shall  
694 direct a study of the electric transmission grid in the state.  
695 The study shall look at electric system reliability to examine  
696 the efficiency and reliability of power transfer and emergency  
697 contingency conditions. In addition, the study shall examine the  
698 hardening of infrastructure to address issues arising from the  
699 2004 and 2005 hurricane seasons. A report of the results of the  
700 study shall be provided to the Governor, the President of the  
701 Senate, and the Speaker of the House of Representatives by  
702 January 30, 2007.

703       Section 18. Subsections (5), (8), (9), (12), (18), (24),  
704 and (27) of section 403.503, Florida Statutes, are amended,  
705 subsections (16) through (28) are renumbered as (17) through  
706 (29), respectively, and new subsection (16) is added to that  
707 section, to read:

708       403.503 Definitions relating to Florida Electrical Power  
709 Plant Siting Act.--As used in this act:

710       (5) "Application" means the documents required by the  
711 department to be filed to initiate a certification review and  
712 evaluation, including the initial document filing, amendments,  
713 and responses to requests from the department for additional  
714 data and information ~~proceeding and shall include the documents~~  
715 ~~necessary for the department to render a decision on any permit~~  
716 ~~required pursuant to any federally delegated or approved permit~~  
717 ~~program.~~

718       (8) "Completeness" means that the application has  
719 addressed all applicable sections of the prescribed application  
720 format, and ~~but does not mean~~ that those sections are sufficient  
721 in comprehensiveness of data or in quality of information  
722 provided to allow the department to determine whether the



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723 application provides the reviewing agencies adequate information  
724 to prepare the reports required by s. 403.507.

725 (9) "Corridor" means the proposed area within which an  
726 associated linear facility right-of-way is to be located. The  
727 width of the corridor proposed for certification as an  
728 associated facility, at the option of the applicant, may be the  
729 width of the right-of-way or a wider boundary, not to exceed a  
730 width of 1 mile. The area within the corridor in which a right-  
731 of-way may be located may be further restricted by a condition  
732 of certification. After all property interests required for the  
733 right-of-way have been acquired by the licensee ~~applicant~~, the  
734 boundaries of the area certified shall narrow to only that land  
735 within the boundaries of the right-of-way.

736 (12) "Electrical power plant" means, for the purpose of  
737 certification, any steam or solar electrical generating facility  
738 using any process or fuel, including nuclear materials, except  
739 that this term does not include any steam or solar electric  
740 generating facility of less than 75 megawatts in capacity unless  
741 the applicant for such a facility elects to apply for  
742 certification under this act, or any unit capacity expansion of  
743 35 megawatts or less of an existing exothermic reaction  
744 cogeneration unit that was originally built under a power plant  
745 siting act exemption. This exemption does not apply if the unit  
746 uses oil or natural gas for purposes other than start-up. This  
747 term and includes associated facilities to be owned by the  
748 licensee which directly support the construction and operation  
749 of the electrical power plant such as fuel unloading facilities,  
750 pipelines necessary for transporting fuel for the operation of  
751 the facility or other fuel transportation facilities, water or  
752 wastewater transport pipelines, construction, maintenance and  
53 access roads, railway lines necessary for transport of

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754 construction equipment or fuel for the operation of the  
755 facility, and those associated transmission lines owned by the  
756 licensee which connect the electrical power plant to an existing  
757 transmission network or rights-of-way to which the applicant  
758 intends to connect, except that this term does not include any  
759 steam or solar electrical generating facility of less than 75  
760 megawatts in capacity unless the applicant for such a facility  
761 elects to apply for certification under this act. An associated  
762 transmission line Associated facilities may include, at the  
763 applicant's option, offsite associated facilities that will not  
764 be owned by the applicant, and any proposed terminal or  
765 intermediate substations or substation expansions connected to  
766 the associated transmission line.

767 (16) "Licensee" means an applicant that has obtained a  
768 certification order for the subject project.

769 (19)-(18) "Nonprocedural requirements of agencies" means  
770 any agency's regulatory requirements established by statute,  
771 rule, ordinance, zoning ordinance, land development code, or  
772 comprehensive plan, excluding any provisions prescribing forms,  
773 fees, procedures, or time limits for the review or processing of  
774 information submitted to demonstrate compliance with such  
775 regulatory requirements.

776 (25)-(24) "Right-of-way" means land necessary for the  
777 construction and maintenance of a connected associated linear  
778 facility, such as a railroad line, pipeline, or transmission  
779 line as owned by or proposed to be certified by the applicant.  
780 The typical width of the right-of-way shall be identified in the  
781 application. The right-of-way shall be located within the  
782 certified corridor and shall be identified by the applicant  
783 subsequent to certification in documents filed with the  
784 department prior to construction.

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85        ~~(28)-(27)~~ "Ultimate site capacity" means the maximum  
786 generating capacity for a site as certified by the board.  
787 ~~"Sufficiency" means that the application is not only complete~~  
788 ~~but that all sections are sufficient in the comprehensiveness of~~  
789 ~~data or in the quality of information provided to allow the~~  
790 ~~department to determine whether the application provides the~~  
791 ~~reviewing agencies adequate information to prepare the reports~~  
792 ~~required by s. 403.507.~~

793        Section 19. Subsections (1), (7), (9), and (10) of section  
794 403.504, Florida Statutes, are amended, and new subsections (9),  
795 (10), (11), and (12) are added to that section, to read:

796        403.504 Department of Environmental Protection; powers and  
797 duties enumerated.--The department shall have the following  
798 powers and duties in relation to this act:

799        (1) To adopt rules pursuant to ss. 120.536(1) and 120.54  
800 to implement the provisions of this act, including rules setting  
801 forth environmental precautions to be followed in relation to  
802 the location, construction, and operation of electrical power  
803 plants.

804        (7) To conduct studies and prepare a project written  
805 analysis under s. 403.507.

806        (9) To issue final orders after receipt of the  
807 administrative law judge's order relinquishing jurisdiction  
808 pursuant to s. 403.508(6).

809        (10) To act as clerk for the siting board.

810        (11) To administer and manage the terms and conditions of  
811 the certification order and supporting documents and records for  
812 the life of the facility.

813        (12) To issue emergency orders on behalf of the board for  
814 facilities licensed under this act.

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815       ~~(9) To notify all affected agencies of the filing of a~~  
816 ~~notice of intent within 15 days after receipt of the notice.~~

817       ~~(10) To issue, with the electrical power plant~~  
818 ~~certification, any license required pursuant to any federally~~  
819 ~~delegated or approved permit program.~~

820       Section 20. Section 403.5055, Florida Statutes, is amended  
821 to read:

822       403.5055 Application for permits pursuant to s.  
823 403.0885.--In processing applications for permits pursuant to s.  
824 403.0885 that are associated with applications for electrical  
825 power plant certification:

826       (1) The procedural requirements set forth in 40 C.F.R. s.  
827 123.25, including public notice, public comments, and public  
828 hearings, shall be closely coordinated with the certification  
829 process established under this part. In the event of a conflict  
830 between the certification process and federally required  
831 procedures for NPDES permit issuance, the applicable federal  
832 requirements shall control.

833       ~~(2) The department's proposed action pursuant to 40 C.F.R.~~  
834 ~~s. 124.6, including any draft NPDES permit (containing the~~  
835 ~~information required under 40 C.F.R. s. 124.6(d)), shall within~~  
836 ~~130 days after the submittal of a complete application be~~  
837 ~~publicly noticed and transmitted to the United States~~  
838 ~~Environmental Protection Agency for its review pursuant to 33~~  
839 ~~U.S.C. s. 1342(d).~~

840       (2)(3) If available at the time the department issues its  
841 project analysis pursuant to s. 403.507(3), the department shall  
842 include in its project analysis ~~written analysis pursuant to s.~~  
843 ~~403.507(3)~~ copies of the department's proposed action pursuant  
844 to 40 C.F.R. s. 124.6 on any application for a NPDES permit; any  
845 corresponding comments received from the United States

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846 Environmental Protection Agency, the applicant, or the general  
847 public; and the department's response to those comments.

848 ~~(3)(4)~~ The department shall not issue or deny the permit  
849 pursuant to s. 403.0885 in advance of the issuance of the  
850 electric power plant certification under this part unless  
851 required to do so by the provisions of federal law. When  
852 possible, any hearing on a permit issued pursuant to s.  
853 403.0885, shall be conducted in conjunction with the  
854 certification hearing held pursuant to this act. The  
855 department's actions on an NPDES permit shall be based on the  
856 record and recommended order of the certification hearing, if  
857 the hearing on the NPDES was conducted in conjunction with the  
858 certification hearing, and of any other proceeding held in  
859 connection with the application for an NPDES permit, timely  
860 public comments received with respect to the application, and  
861 the provisions of federal law. The department's action on an  
862 NPDES permit, if issued, shall differ from the actions taken by  
863 the siting board regarding the certification order if federal  
864 laws and regulations require different action to be taken to  
865 ensure compliance with the Clean Water Act, as amended, and  
866 implementing regulations. Nothing in this part shall be  
867 construed to displace the department's authority as the final  
868 permitting entity under the federally approved state NPDES  
869 program. Nothing in this part shall be construed to authorize  
870 the issuance of a state NPDES permit which does not conform to  
871 the requirements of the federally approved state NPDES program.  
872 ~~The permit, if issued, shall be valid for no more than 5 years.~~  
873 ~~(5) The department's action on an NPDES permit renewal, if~~  
874 ~~issued, shall differ from the actions taken by the siting board~~  
875 ~~regarding the certification order if federal laws and~~  
876 ~~regulations require different action to be taken to ensure~~

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~~compliance with the Clean Water Act, as amended, and  
implementing regulations.~~

Section 21. Section 403.506, Florida Statutes, is amended  
to read:

403.506 Applicability, thresholds, and certification.--

(1) The provisions of this act shall apply to any  
electrical power plant as defined herein, except that the  
provisions of this act shall not apply to any electrical power  
plant or steam generating plant of less than 75 megawatts in  
capacity or to any substation to be constructed as part of an  
associated transmission line unless the applicant has elected to  
apply for certification of such plant or substation under this  
act. The provisions of this act shall not apply to any unit  
capacity expansion of 35 megawatts or less of an existing  
exothermic reaction cogeneration unit that was exempt from this  
act when it was originally built, however, this exemption shall  
not apply if the unit uses oil or natural gas for purposes other  
than unit start up. No construction of any new electrical power  
plant or expansion in steam generating capacity as measured by  
an increase in the maximum electrical generator rating of any  
existing electrical power plant may be undertaken after October  
1, 1973, without first obtaining certification in the manner as  
herein provided, except that this act shall not apply to any  
such electrical power plant which is presently operating or  
under construction or which has, upon the effective date of  
chapter 73-33, Laws of Florida, applied for a permit or  
certification under requirements in force prior to the effective  
date of such act.

(2) Except as provided in the certification, modification  
of nonnuclear fuels, internal related hardware, including  
increases in steam turbine efficiency, or operating conditions

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not in conflict with certification which increase the electrical output of a unit to no greater capacity than the maximum electrical generator rating ~~operating capacity~~ of the existing generator shall not constitute an alteration or addition to generating capacity which requires certification pursuant to this act.

~~(3) The application for any related department license which is required pursuant to any federally delegated or approved permit program shall be processed within the time periods allowed by this act, in lieu of those specified in s. 120.60. However, permits issued pursuant to s. 403.0885 shall be processed in accordance with 40 C.F.R. part 123.~~

Section 22. Section 403.5064, Florida Statutes, is amended to read:

403.5064 Application ~~Distribution of application;~~ schedules.--

(1) The formal date of certification application filing and commencement of the certification review process shall be when the applicant submits:

(a) Copies of the certification application in a quantity and format as prescribed by rule to the department and other agencies identified in s. 403.507(2)(a).

(b) The application fee specified under s. 403.518 to the department.

(2) ~~(1)~~ Within 7 days after the filing of an application, the department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional ~~those affected or other~~ agencies or persons entitled to notice and copies of the application and any amendments. Copies of the application shall be distributed within 5 days by the applicant to these additional agencies. This distribution

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939 shall not be a basis for altering the schedule of dates for the  
940 certification process.

941 (3) Any amendment to the application made prior to  
942 certification shall be disposed of as part of the original  
943 certification proceeding. Amendment of the application may be  
944 considered good cause for alteration of time limits pursuant to  
945 s. 403.5095.

946 (4) ~~(2)~~ Within 7 days after the application filing  
947 ~~completeness has been determined~~, the department shall prepare a  
948 proposed schedule of dates for determination of completeness,  
949 submission of statements of issues, ~~determination of~~  
950 ~~sufficiency~~, and submittal of final reports, ~~from affected and~~  
951 ~~other agencies~~ and other significant dates to be followed during  
952 the certification process, including dates for filing notices of  
953 appearance to be a party pursuant to s. 403.508 ~~(3) ~~(4)~~~~. This  
954 schedule shall be timely provided by the department to the  
955 applicant, the administrative law judge, all agencies identified  
956 pursuant to subsection ~~(2) ~~(1)~~~~, and all parties. Within 7 days  
957 after the filing of this proposed schedule, the administrative  
958 law judge shall issue an order establishing a schedule for the  
959 matters addressed in the department's proposed schedule and  
960 other appropriate matters, if any.

961 ~~(5) ~~(3)~~ Within 7 days after completeness has been~~  
962 ~~determined, the applicant shall distribute copies of the~~  
963 ~~application to all agencies identified by the department~~  
964 ~~pursuant to subsection ~~(1)~~~~. Copies of changes and amendments to  
965 the application shall be timely distributed by the applicant to  
966 all ~~affected~~ agencies and parties who have received a copy of  
967 the application.

968 (6) Notice of the filing of the application shall be  
969 published in accordance with the requirements of s. 403.5115.



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70 Section 23. Section 403.5065, Florida Statutes, is amended  
971 to read:

972 403.5065 Appointment of administrative law judge, powers  
973 and duties.--

974 (1) Within 7 days after receipt of an application, ~~whether~~  
975 ~~complete or not~~, the department shall request the Division of  
976 Administrative Hearings to designate an administrative law judge  
977 to conduct the hearings required by this act. The division  
978 director shall designate an administrative law judge within 7  
979 days after receipt of the request from the department. In  
980 designating an administrative law judge for this purpose, the  
981 division director shall, whenever practicable, assign an  
982 administrative law judge who has had prior experience or  
983 training in electrical power plant site certification  
984 proceedings. Upon being advised that an administrative law judge  
985 has been appointed, the department shall immediately file a copy  
986 of the application and all supporting documents with the  
987 designated administrative law judge, who shall docket the  
988 application.

989 (2) The administrative law judge shall have all powers and  
990 duties granted to administrative law judges by chapter 120 and  
991 by the laws and rules of the department.

992 Section 24. Section 403.5066, Florida Statutes, is amended  
993 to read:

994 403.5066 Determination of completeness.--

995 (1)(a) Within 30 days after filing of an application,  
996 affected agencies shall file a statement with the department  
997 containing each agency's recommendations on the completeness of  
998 the application.

999 (b) Within 40 ~~45~~ days after the filing ~~receipt~~ of an  
000 application, the department shall file a statement with the

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1001 Division of Administrative Hearings, and with the applicant, and  
1002 with all parties declaring its position with regard to the  
1003 ~~completeness, not the sufficiency,~~ of the application. The  
1004 department's statement shall be based upon consultation with the  
1005 affected agencies.

1006 ~~(2)(1)~~ If the department declares the application to be  
1007 incomplete, the applicant, within 15 days after the filing of  
1008 the statement by the department, shall file with the Division of  
1009 Administrative Hearings, and with the department, and all  
1010 parties a statement:

1011 (a) A withdrawal of ~~Agreeing with the statement of the~~  
1012 ~~department and withdrawing~~ the application;

1013 (b) A statement agreeing to supply the additional  
1014 information necessary to make the application complete. Such  
1015 additional information shall be provided within 30 days of the  
1016 issuance of the department's statement on completeness of the  
1017 application. The time schedules under this act shall not be  
1018 tolled if the applicant makes the application complete within 30  
1019 days of the issuance of the department's statement on  
1020 completeness of the application. A subsequent finding by the  
1021 department that the application remains incomplete, based upon  
1022 the additional information submitted by the applicant or upon  
1023 the failure of the applicant to timely submit the additional  
1024 information, tolls the time schedules under this act until the  
1025 application is determined complete; Agreeing with the statement  
1026 ~~of the department and agreeing to amend the application without~~  
1027 ~~withdrawing it. The time schedules referencing a complete~~  
1028 ~~application under this act shall not commence until the~~  
1029 ~~application is determined complete; or~~

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1030 (c) A statement contesting the department's determination  
1031 of incompleteness; or ~~contesting the statement of the~~  
1032 department.

1033 (d) A statement agreeing with the department and  
1034 requesting additional time beyond 30 days to provide the  
1035 information necessary to make the application complete. If the  
1036 applicant exercises this option, the time schedules under this  
1037 act are tolled until the application is determined complete.

1038 (3) (a) ~~(2)~~ If the applicant contests the determination by  
1039 the department that an application is incomplete, the  
1040 administrative law judge shall schedule a hearing on the  
1041 statement of completeness. The hearing shall be held as  
1042 expeditiously as possible, but not later than 21 ~~30~~ days after  
1043 the filing of the statement by the department. The  
1044 administrative law judge shall render a decision within 7 ~~10~~  
1045 days after the hearing.

1046 (b) Parties to a hearing on the issue of completeness  
1047 shall include the applicant, the department, and any agency that  
1048 has jurisdiction over the matter in dispute.

1049 (c) ~~(a)~~ If the administrative law judge determines that the  
1050 application was not complete ~~as filed~~, the applicant shall  
1051 withdraw the application or make such additional submittals as  
1052 necessary to complete it. The time schedules referencing a  
1053 complete application under this act shall not commence until the  
1054 application is determined complete.

1055 (d) ~~(b)~~ If the administrative law judge determines that the  
1056 application was complete at the time it was declared incomplete  
1057 ~~filed~~, the time schedules referencing a complete application  
1058 under this act shall commence upon such determination.

1059 (4) If the applicant provides additional information to  
1060 address the issues identified in the determination of

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1061 incompleteness, each affected agency may submit to the  
1062 department, no later than 15 days after the applicant files the  
1063 additional information, a recommendation on whether the agency  
1064 believes the application is complete. Within 22 days after  
1065 receipt of the additional information from the applicant  
1066 submitted under paragraph (2)(b), paragraph (2)(d), or paragraph  
1067 (3)(c), the department shall determine whether the additional  
1068 information supplied by an applicant makes the application  
1069 complete. If the department finds that the application is still  
1070 incomplete, the applicant may exercise any of the options  
1071 specified in subsection (2) as often as is necessary to resolve  
1072 the dispute.

1073 Section 25. Section 403.50663, Florida Statutes, is  
1074 created to read:

1075 403.50663 Informational public meetings.--

1076 (1) A local government within whose jurisdiction the power  
1077 plant is proposed to be sited, may hold one informational public  
1078 meeting in addition to the hearings specifically authorized by  
1079 this act on any matter associated with the electric power plant  
1080 proceeding. Such informational public meetings shall be held by  
1081 the local government, or the regional planning council, if the  
1082 local government does not hold such meeting within 70 days of  
1083 the filing of the application. The purpose of an informational  
1084 public meeting is for the local government or regional planning  
1085 council to further inform the public about the proposed electric  
1086 power plant or associated facilities, obtain comments from the  
1087 public, and formulate its recommendation with respect to the  
1088 proposed electric power plant.

1089 (2) Informational public meetings shall be held solely at  
1090 the option of each local government or regional planning council  
1091 if a public meeting is not held by the local government. It is

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1092 the legislative intent that local governments or regional  
1093 planning councils attempt to hold such public meetings. Parties  
1094 to the proceedings under this act shall be encouraged to attend;  
1095 however, no party other than the applicant and the department  
1096 shall be required to attend such informational public meetings.

1097 (3) A local government or regional planning council that  
1098 intends to conduct an informational public meeting must provide  
1099 notice of the meeting to all parties not less than 5 days prior  
1100 to the meeting.

1101 (4) The failure to hold an informational public meeting or  
1102 the procedure used for the informational public meeting are not  
1103 grounds for the alteration of any time limitation in this act  
1104 under s. 403.5095 or grounds to deny or condition certification.

1105 Section 26. Section 403.50665, Florida Statutes, is  
1106 created to read:

1107 403.50665 Land use consistency.--

1108 (1) The applicant shall include in the application a  
1109 statement on the consistency of the site or any directly  
1110 associated facilities with existing land use plans and zoning  
1111 ordinances which were in effect on the date the application was  
1112 filed, and a full description of such consistency.

1113 (2) Within 80 days of the filing of the application, each  
1114 local government shall file a determination with the Department,  
1115 the applicant, the administrative law judge, and all parties on  
1116 the consistency of the site or any directly associated  
1117 facilities with existing land use plans and zoning ordinances  
1118 which were in effect on the date the application was filed,  
1119 based on the information provided in the application. The  
1120 applicant shall publish notice of the consistency determination  
1121 in accordance with the requirements of s. 403.5115.

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1122       (3) If any substantially affected person wishes to dispute  
1123 the local government's determination, he or she shall file a  
1124 petition with the department within 15 days of the publication  
1125 of notice of the local government's determination. If a hearing  
1126 is requested, the provisions of s. 403.508(1) shall apply.

1127       (4) The dates in this section may be altered upon  
1128 agreement between the applicant, the local government, and the  
1129 department pursuant to s. 403.5095.

1130       (5) If it is determined by the local government that the  
1131 proposed site or directly associated facility does conform with  
1132 existing land use plans and zoning ordinances in effect as of  
1133 the date of the application and no petition has been filed, the  
1134 responsible zoning or planning authority shall not thereafter  
1135 change such land use plans or zoning ordinances so as to  
1136 foreclose construction and operation of the proposed site or  
1137 directly associated facilities unless certification is  
1138 subsequently denied or withdrawn.

1139       Section 27. Section 403.5067, Florida Statutes, is  
1140 repealed.

1141       Section 28. Section 403.507, Florida Statutes, is amended  
1142 to read:

1143       403.507 Preliminary statements of issues, reports, project  
1144 analyses, and studies.--

1145       (1) Each affected agency identified in paragraph (2)(a)  
1146 shall submit a preliminary statement of issues to the  
1147 department, ~~and the applicant, and all parties~~ no later than 40  
1148 60 days after the certification application has been determined  
1149 distribution of the complete application. The failure to raise  
1150 an issue in this statement shall not preclude the issue from  
1151 being raised in the agency's report.

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52 (2)(a) No later than 100 days after the certification  
1153 application has been determined complete, the following  
1154 agencies shall prepare reports as provided below and shall  
1155 submit them to the department and the applicant ~~within 150 days~~  
1156 ~~after distribution of the complete application:~~

1157 1. The Department of Community Affairs shall prepare a  
1158 report containing recommendations which address the impact upon  
1159 the public of the proposed electrical power plant, based on the  
1160 degree to which the electrical power plant is consistent with  
1161 the applicable portions of the state comprehensive plan,  
1162 emergency management, and other such matters within its  
1163 jurisdiction. The Department of Community Affairs may also  
1164 comment on the consistency of the proposed electrical power  
1165 plant with applicable strategic regional policy plans or local  
1166 comprehensive plans and land development regulations.

67 ~~2. The Public Service Commission shall prepare a report as~~  
1168 ~~to the present and future need for the electrical generating~~  
1169 ~~capacity to be supplied by the proposed electrical power plant.~~  
1170 ~~The report shall include the commission's determination pursuant~~  
1171 ~~to s. 403.519 and may include the commission's comments with~~  
1172 ~~respect to any other matters within its jurisdiction.~~

1173 ~~2.3.~~ The water management district shall prepare a report  
1174 as to matters within its jurisdiction, including but not limited  
1175 to, impact on water resources, impact on regional water supply  
1176 planning, and impact on district-owned lands and works.

1177 ~~3.4.~~ Each local government in whose jurisdiction the  
1178 proposed electrical power plant is to be located shall prepare a  
1179 report as to the consistency of the proposed electrical power  
1180 plant with all applicable local ordinances, regulations,  
1181 standards, or criteria that apply to the proposed electrical  
82 power plant, including ~~adopted local comprehensive plans, land~~

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development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4.5- The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

5.6- Each The regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

6. The Department of Transportation shall address the impact of the proposed power plant on matters within its jurisdiction.

(b)7- Any other agency, if requested by the department, shall also perform studies or prepare reports as to matters within that agency's jurisdiction which may potentially be affected by the proposed electrical power plant.

~~(b) As needed to verify or supplement the studies made by the applicant in support of the application, it shall be the duty of the department to conduct, or contract for, studies of the proposed electrical power plant and site, including, but not limited to, the following, which shall be completed no later than 210 days after the complete application is filed with the department:~~

- ~~1. Cooling system requirements.~~
- ~~2. Construction and operational safeguards.~~
- ~~3. Proximity to transportation systems.~~
- ~~4. Soil and foundation conditions.~~
- ~~5. Impact on suitable present and projected water supplies for this and other competing uses.~~



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1214 ~~6. Impact on surrounding land uses.~~  
1215 ~~7. Accessibility to transmission corridors.~~  
1216 ~~8. Environmental impacts.~~  
1217 ~~9. Requirements applicable under any federally delegated~~  
1218 ~~or approved permit program.~~

1219 (3)(c) Each report described in subsection (2) paragraphs  
1220 (a) and (b) shall contain:

1221 (a) A notice of any nonprocedural requirements not  
1222 specifically listed in the application from which a variance,  
1223 exemption, exception, all information on variances, exemptions,  
1224 exceptions, or other relief is necessary in order for the  
1225 proposed electric power plant to be certified. Failure of such  
1226 notification by an agency shall be treated as a waiver from  
1227 nonprocedural requirements of that agency. However, no variance  
1228 shall be granted from standards or regulations of the department  
1229 applicable under any federally delegated or approved permit  
1230 program, except as expressly allowed in such program. which may  
1231 be required by s. 403.511(2) and

1232 (b) A recommendation for approval or denial of the  
1233 application.

1234 (c) Any proposed conditions of certification on matters  
1235 within the jurisdiction of such agency. For each condition  
1236 proposed by an agency in its report, the agency shall list the  
1237 specific statute, rule, or ordinance which authorizes the  
1238 proposed condition.

1239 (d) The agencies shall initiate the activities required by  
1240 this section no later than 30 days after the complete  
1241 application is distributed. The agencies shall keep the  
1242 applicant and the department informed as to the progress of the  
1243 studies and any issues raised thereby.

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~~(3) No later than 60 days after the application for a federally required new source review or prevention of significant deterioration permit for the electrical power plant is complete and sufficient, the department shall issue its preliminary determination on such permit. Notice of such determination shall be published as required by the department's rules for notices of such permits. The department shall receive public comments and comments from the United States Environmental Protection Agency and other affected agencies on the preliminary determination as provided for in the federally approved state implementation plan. The department shall maintain a record of all comments received and considered in taking action on such permits. If a petition for an administrative hearing on the department's preliminary determination is filed by a substantially affected person, that hearing shall be consolidated with the certification hearing.~~

(4) (a) No later than 150 days after the application is filed, the Public Service Commission shall prepare a report as to the present and future need for electric generating capacity to be supplied by the proposed electrical power plant. The report shall include the commission's determination pursuant to s. 403.519 and may include the commission's comments with respect to any other matters within its jurisdiction.

(b) Receipt of an affirmative determination of need by the submittal deadline under paragraph (a) and shall be a condition precedent to issuance of the department's project analysis and conduct of the certification hearing.

(5) (4) The department shall prepare a project written analysis, which shall be filed with the designated administrative law judge and served on all parties no later than 130 240 days after the complete application is determined

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1275 ~~complete filed with the department, but no later than 60 days~~  
1276 ~~prior to the hearing, and which shall include:~~

1277 (a) A statement indicating whether the proposed electrical  
1278 power plant and proposed ultimate site capacity will be in  
1279 compliance and consistent with matters within the department's  
1280 standard jurisdiction, including with the rules of the  
1281 department, as well as whether the proposed electrical power  
1282 plant and proposed ultimate site capacity will be in compliance  
1283 with the nonprocedural requirements of the affected agencies.

1284 (b) Copies of the studies and reports required by this  
1285 section ~~and s. 403.519.~~

1286 (c) The comments received by the department from any other  
1287 agency or person.

1288 (d) The recommendation of the department as to the  
1289 disposition of the application, of variances, exemptions,  
1290 exceptions, or other relief identified by any party, and of any  
1291 proposed conditions of certification which the department  
1292 believes should be imposed.

1293 (e) If available, the recommendation of the department  
1294 regarding the issuance of any license required pursuant to a  
1295 federally delegated or approved permit program.

1296 ~~(f) Copies of the department's draft of the operation~~  
1297 ~~permit for a major source of air pollution, which must also be~~  
1298 ~~provided to the United States Environmental Protection Agency~~  
1299 ~~for review within 5 days after issuance of the written analysis.~~

1300 (6)(5) Except when good cause is shown, the failure of any  
1301 agency to submit a preliminary statement of issues or a report,  
1302 or to submit its preliminary statement of issues or report  
1303 within the allowed time, shall not be grounds for the alteration  
1304 of any time limitation in this act. Neither the failure to  
1305 submit a preliminary statement of issues or a report nor the

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1306 inadequacy of the preliminary statement of issues or report are  
1307 ~~shall be~~ grounds to deny or condition certification.

1308 Section 29. Section 403.508, Florida Statutes, is amended  
1309 to read:

1310 403.508 Land use and certification hearings ~~proceedings~~,  
1311 parties, participants.--

1312 (1)(a) If a petition for a hearing on land use has been  
1313 filed pursuant to s. 403.50665, the designated administrative  
1314 law judge shall conduct a land use hearing in the county of the  
1315 proposed site or directly associated facility, as applicable, as  
1316 expeditiously as possible, but not later than 30 ~~within 90~~ days  
1317 after the department's receipt of the petition a complete  
1318 application for electrical power plant site certification by the  
1319 department. The place of such hearing shall be as close as  
1320 possible to the proposed site or directly associated facility.  
1321 If a petition is filed, the hearing shall be held regardless of  
1322 the status of the completeness of the application. However,  
1323 incompleteness of information necessary for a local government  
1324 to evaluate an application may be claimed by the local  
1325 government as cause for a statement of inconsistency with  
1326 existing land use plans and zoning ordinances under s.  
1327 403.50665.

1328 (b) Notice of the land use hearing shall be published in  
1329 accordance with the requirements of s. 403.5115.

1330 (c) ~~(2)~~ The sole issue for determination at the land use  
1331 hearing shall be whether or not the proposed site is consistent  
1332 and in compliance with existing land use plans and zoning  
1333 ordinances. If the administrative law judge concludes that the  
1334 proposed site is not consistent or in compliance with existing  
1335 land use plans and zoning ordinances, the administrative law  
1336 judge shall receive at the hearing evidence on, and address in

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1337 the recommended order any changes to, or approvals or variances  
1338 under the applicable land use plans or zoning ordinances which  
1339 will render the proposed site consistent and in compliance with  
1340 the local land use plans and zoning ordinances.

1341 (d) The designated administrative law judge's recommended  
1342 order shall be issued within 30 days after completion of the  
1343 hearing and shall be reviewed by the board within 60 45 days  
1344 after receipt of the recommended order by the board.

1345 (e) If it is determined by the board that the proposed  
1346 site does conform with existing land use plans and zoning  
1347 ordinances in effect as of the date of the application, or as  
1348 otherwise provided by this act, the responsible zoning or  
1349 planning authority shall not thereafter change such land use  
1350 plans or zoning ordinances so as to foreclose construction and  
1351 operation of ~~affect~~ the proposed power plant on the proposed  
1352 site or directly associated facilities unless certification is  
1353 subsequently denied or withdrawn.

1354 (f) If it is determined by the board that the proposed  
1355 site does not conform, with existing land use plans and zoning  
1356 ordinances, ~~it shall be the responsibility of the applicant to~~  
1357 ~~make the necessary application for rezoning. Should the~~  
1358 ~~application for rezoning be denied, the applicant may appeal~~  
1359 ~~this decision to the board, which may,~~ if it determines after  
1360 notice and hearing and upon consideration of the recommended  
1361 order on land use and zoning issues that it is in the public  
1362 interest to authorize the use of the land as a site for an  
1363 electrical power plant, authorize an amendment, rezoning,  
1364 variance, or other approval ~~a variance~~ to the adopted land use  
1365 plan and zoning ordinances required to render the proposed site  
1366 consistent with local land use plans and zoning ordinances. The  
1367 board's action shall not be controlled by any other procedural

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1368 requirements of law. In the event a variance or other approval  
1369 is denied, by the board, it shall be the responsibility of the  
1370 applicant to make the necessary application for any approvals  
1371 determined by the board as required to make the proposed site  
1372 consistent and in compliance with local land use plans and  
1373 zoning ordinances. No further action may be taken on the  
1374 complete application ~~by the department~~ until the proposed site  
1375 conforms to the adopted land use plan or zoning ordinances or  
1376 the board grants relief as provided under this act.

1377 (2) (a) (3) A certification hearing shall be held by the  
1378 designated administrative law judge no later than 265 ~~300~~ days  
1379 after the ~~complete~~ application is filed with the department,  
1380 ~~however, an affirmative determination of need by the Public~~  
1381 ~~Service Commission pursuant to s. 403.519 shall be a condition~~  
1382 ~~precedent to the conduct of the certification hearing.~~ The  
1383 certification hearing shall be held at a location in proximity  
1384 to the proposed site. ~~The certification hearing shall also~~  
1385 ~~constitute the sole hearing allowed by chapter 120 to determine~~  
1386 ~~the substantial interest of a party regarding any required~~  
1387 ~~agency license or any related permit required pursuant to any~~  
1388 ~~federally delegated or approved permit program.~~ At the  
1389 conclusion of the certification hearing, the designated  
1390 administrative law judge shall, after consideration of all  
1391 evidence of record, submit to the board a recommended order no  
1392 later than 4560 days after the filing of the hearing transcript.  
1393 ~~In the event the administrative law judge fails to issue a~~  
1394 ~~recommended order within 60 days after the filing of the hearing~~  
1395 ~~transcript, the administrative law judge shall submit a report~~  
1396 ~~to the board with a copy to all parties within 60 days after the~~  
1397 ~~filing of the hearing transcript to advise the board of the~~

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~~reason for the delay in the issuance of the recommended order  
and of the date by which the recommended order will be issued.~~

(b) Notice of the certification hearing and notice of the  
deadline for filing of notice of intent to be a party shall be  
made in accordance with the requirements of s. 403.5115.

(3) (a) ~~(4) (a)~~ Parties to the proceeding shall include:

1. The applicant.
2. The Public Service Commission.
3. The Department of Community Affairs.
4. The Fish and Wildlife Conservation Commission.
5. The water management district.
6. The department.
7. The regional planning council.
8. The local government.
9. The Department of Transportation.

(b) Any party listed in paragraph (a) other than the department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.

(c) Notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed ~~at least 15 days prior to the date of the land use hearing,~~ the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.
2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural

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1429 beauty; to protect the environment, personal health, or other  
1430 biological values; to preserve historical sites; to promote  
1431 consumer interests; to represent labor, commercial, or  
1432 industrial groups; or to promote comprehensive planning or  
1433 orderly development of the area in which the proposed electrical  
1434 power plant is to be located.

1435 (d) Notwithstanding paragraph (e), failure of an agency  
1436 described in subparagraph (c)1. to file a notice of intent to be  
1437 a party within the time provided herein shall constitute a  
1438 waiver of the right of that agency to participate as a party in  
1439 the proceeding.

1440 (e) Other parties may include any person, including those  
1441 persons enumerated in paragraph (c) who have failed to timely  
1442 file a notice of intent to be a party, whose substantial  
1443 interests are affected and being determined by the proceeding  
1444 and who timely file a motion to intervene pursuant to chapter  
1445 120 and applicable rules. Intervention pursuant to this  
1446 paragraph may be granted at the discretion of the designated  
1447 administrative law judge and upon such conditions as he or she  
1448 may prescribe any time prior to 30 days before the commencement  
1449 of the certification hearing.

1450 (f) Any agency, including those whose properties or works  
1451 are being affected pursuant to s. 403.509(4), shall be made a  
1452 party upon the request of the department or the applicant.

1453 (4) (a) The order of presentation at the certification  
1454 hearing, unless otherwise changed by the administrative law  
1455 judge to ensure the orderly presentation of witnesses and  
1456 evidence, shall be:

- 1457 1. The applicant.  
1458 2. The department.  
1459 3. State agencies.



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1460 4. Regional agencies, including regional planning councils  
1461 and water management districts.

1462 5. Local governments.

1463 6. Other parties.

1464 (b) (5) When appropriate, any person may be given an  
1465 opportunity to present oral or written communications to the  
1466 designated administrative law judge. If the designated  
1467 administrative law judge proposes to consider such  
1468 communications, then all parties shall be given an opportunity  
1469 to cross-examine or challenge or rebut such communications.

1470 (5) At the conclusion of the certification hearing, the  
1471 designated administrative law judge shall, after consideration  
1472 of all evidence of record, submit to the board a recommended  
1473 order no later than 45 days after the filing of the hearing  
1474 transcript.

1475 (6) (a) No earlier than 29 days prior to the conduct of  
1476 the certification hearing, the department or the applicant may  
1477 request that the administrative law judge cancel the  
1478 certification hearing and relinquish jurisdiction to the  
1479 department if all parties to the proceeding stipulate that there  
1480 are no disputed issues of fact or law to be raised at the  
1481 certification hearing, and if sufficient time remains for the  
1482 applicant and the department to publish public notices of the  
1483 cancellation of the hearing at least 3 days prior to the  
1484 scheduled date of the hearing.

1485 (b) The administrative law judge shall issue an order  
1486 granting or denying the request within 5 days.

1487 (c) If the administrative law judge grants the request,  
1488 the department and the applicant shall publish notices of the  
1489 cancellation of the certification hearing, in accordance with s.  
1490 403.5115.

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1491        (d)1. If the administrative law judge grants the request,  
1492        the department shall prepare and issue a final order in  
1493        accordance with s. 403.509(1)(a).

1494        2. Parties may submit proposed recommended orders to the  
1495        department no later than 10 days after the administrative law  
1496        judge issues an order relinquishing jurisdiction.

1497        (7) The applicant shall pay those expenses and costs  
1498        associated with the conduct of the hearings and the recording  
1499        and transcription of the proceedings.

1500        ~~(6) The designated administrative law judge shall have all~~  
1501        ~~powers and duties granted to administrative law judges by~~  
1502        ~~chapter 120 and this chapter and by the rules of the department~~  
1503        ~~and the Administration Commission, including the authority to~~  
1504        ~~resolve disputes over the completeness and sufficiency of an~~  
1505        ~~application for certification.~~

1506        ~~(7) The order of presentation at the certification~~  
1507        ~~hearing, unless otherwise changed by the administrative law~~  
1508        ~~judge to ensure the orderly presentation of witnesses and~~  
1509        ~~evidence, shall be:~~

1510        ~~(a) The applicant.~~

1511        ~~(b) The department.~~

1512        ~~(c) State agencies.~~

1513        ~~(d) Regional agencies, including regional planning~~  
1514        ~~councils and water management districts.~~

1515        ~~(e) Local governments.~~

1516        ~~(f) Other parties.~~

1517        (8) In issuing permits under the federally approved new  
1518        source review or prevention of significant deterioration permit  
1519        program, the department shall observe the procedures specified  
1520        under the federally approved state implementation plan,  
1521        including public notice, public comment, public hearing, and

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1522 notice of applications and amendments to federal, state, and  
1523 local agencies, to assure that all such permits issued in  
1524 coordination with the certification of a power plant under this  
1525 act are federally enforceable and are issued after opportunity  
1526 for informed public participation regarding the terms and  
1527 conditions thereof. When possible, any hearing on a federally  
1528 approved or delegated program permit such as new source review,  
1529 prevention of significant deterioration permit, or NPDES permit  
1530 shall be conducted in conjunction with the certification hearing  
1531 held under this act. The department shall accept written comment  
1532 with respect to an application for, or the department's  
1533 preliminary determination on, a new source review or prevention  
1534 of significant deterioration permit for a period of no less than  
1535 30 days from the date notice of such action is published. Upon  
1536 request submitted within 30 days after published notice, the  
1537 department shall hold a public meeting, in the area affected,  
1538 for the purpose of receiving public comment on issues related to  
1539 the new source review or prevention of significant deterioration  
1540 permit. If requested following notice of the department's  
1541 preliminary determination, the public meeting to receive public  
1542 comment shall be held prior to the scheduled certification  
1543 hearing. The department shall also solicit comments from the  
1544 United States Environmental Protection Agency and other affected  
1545 federal agencies regarding the department's preliminary  
1546 determination for any federally required new source review or  
1547 prevention of significant deterioration permit. It is the intent  
1548 of the Legislature that the review, processing, and issuance of  
1549 such federally delegated or approved permits be closely  
1550 coordinated with the certification process established under  
1551 this part. In the event of a conflict between the certification  
1552 process and federally required procedures contained in the state

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~~implementation plan~~, the applicable federal requirements ~~of the~~  
~~implementation plan~~ shall control.

Section 30. Section 403.509, Florida Statutes, is amended  
to read:

403.509 Final disposition of application.--

(1)(a) If the administrative law judge has granted a  
request to cancel the certification hearing and has relinquished  
jurisdiction to the department under the provisions of s.  
403.508(6), within 40 days thereafter, the secretary of the  
department shall act upon the application by written order in  
accordance with the terms of this act, and the stipulation of  
the parties in requesting cancellation of the certification  
hearing.

(b) If the administrative law judge has not granted a  
request to cancel the certification hearing under the provisions  
of s. 403.508(6), within 60 days after receipt of the designated  
administrative law judge's recommended order, the board shall  
act upon the application by written order, approving  
certification or denying certification ~~the issuance of a~~  
~~certificate~~, in accordance with the terms of this act, and  
stating the reasons for issuance or denial. If certification ~~the~~  
~~certificate~~ is denied, the board shall set forth in writing the  
action the applicant would have to take to secure the board's  
approval of the application.

(2) The issues that may be raised in any hearing before  
the board shall be limited to those matters raised in the  
certification proceeding before the administrative law judge or  
raised in the recommended order. All parties, or their  
representatives, or persons who appear before the board shall be  
subject to the provisions of s. 120.66.

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1583       (3) In determining whether an application should be  
1584 approved in whole, approved with modifications or conditions, or  
1585 denied, the board, or secretary when applicable, shall consider  
1586 whether, and the extent to which, the location of electric power  
1587 plant and directly associated facilities and their construction  
1588 and operation will:

1589       (a) Provide reasonable assurance that operational  
1590 safeguards are technically sufficient for the public welfare and  
1591 protection.

1592       (b) Comply with applicable nonprocedural requirements of  
1593 agencies.

1594       (c) Be consistent with applicable local government  
1595 comprehensive plans and land development regulations.

1596       (d) Meet the electrical energy needs of the state in an  
1597 orderly and timely fashion.

1598       (e) Provide a reasonable balance between the need for the  
1599 facility as established pursuant to s. 403.519, and the impacts  
1600 upon air and water quality, fish and wildlife, water resources,  
1601 and other natural resources of the state resulting from the  
1602 construction and operation of the facility.

1603       (f) Minimize, through the use of reasonable and available  
1604 methods, the adverse effects on human health, the environment,  
1605 and the ecology of the land and its wildlife and the ecology of  
1606 state waters and their aquatic life.

1607       (g) Serve and protect the broad interests of the public.

1608       ~~(3) Within 30 days after issuance of the certification,~~  
1609 ~~the department shall issue and forward to the United States~~  
1610 ~~Environmental Protection Agency a proposed operation permit for~~  
1611 ~~a major source of air pollution and must issue or deny any other~~  
1612 ~~license required pursuant to any federally delegated or approved~~  
1613 ~~permit program. The department's action on the license and its~~

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~~action on the proposed operation permit for a major source of  
air pollution shall be based upon the record and recommended  
order of the certification hearing. The department's actions on  
a federally required new source review or prevention of  
significant deterioration permit shall be based on the record  
and recommended order of the certification hearing and of any  
other proceeding held in connection with the application for a  
new source review or prevention of significant deterioration  
permit, on timely public comments received with respect to the  
application or preliminary determination for such permit, and on  
the provisions of the state implementation plan.~~

(4) The department's action on a federally required new  
source review or prevention of significant deterioration permit  
shall differ from the actions taken by the siting board  
regarding the certification if the federally approved state  
implementation plan requires such a different action to be taken  
by the department. Nothing in this part shall be construed to  
displace the department's authority as the final permitting  
entity under the federally approved permit program. Nothing in  
this part shall be construed to authorize the issuance of a new  
source review or prevention of significant deterioration permit  
which does not conform to the requirements of the federally  
approved state implementation plan. ~~Any final operation permit  
for a major source of air pollution must be issued in accordance  
with the provisions of s. 403.0872. Unless the federally  
delegated or approved permit program provides otherwise,  
licenses issued by the department under this subsection shall be  
effective for the term of the certification issued by the board.  
If renewal of any license issued by the department pursuant to a  
federally delegated or approved permit program is required, such  
renewal shall not affect the certification issued by the board,~~

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~~except as necessary to resolve inconsistencies pursuant to s. 403.516(1)(a).~~

(4) In regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and its directly associated facilities site and to direct any such agency to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification. However, the applicant shall seek any necessary interest in state lands the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund from the Board of Trustees or from the governing board of the water management district created pursuant to chapter 373 before, during, or after the certification proceeding, and certification may be made contingent upon issuance of the appropriate interest. Neither the applicant nor any party to the certification proceeding may directly or indirectly raise or relitigate any matter that was or could have been an issue in the certification proceeding in any proceeding before the Board of Trustees of the Internal Improvement Trust Fund wherein the applicant is seeking necessary interest in state lands, but the information presented in the certification proceeding shall be available for review by the Board of Trustees and its staff.

~~(6)(5) Except as specified in subsection (4), for the issuance of any operation permit for a major source of air pollution pursuant to s. 403.0872, the issuance or denial of the certification by the board or Secretary of the Department and the issuance or denial of any related department license~~

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1676 ~~required pursuant to any federally delegated or approved permit~~  
1677 ~~program~~ shall be the final administrative action required as to  
1678 that application.

1679 ~~(6) All certified electrical power plants must apply for~~  
1680 ~~and obtain a major source air operation permit pursuant to s.~~  
1681 ~~403.0872. Major source air operation permit applications for~~  
1682 ~~certified electrical power plants must be submitted pursuant to~~  
1683 ~~a schedule developed by the department. To the extent that any~~  
1684 ~~conflicting provision, limitation, or restriction under any~~  
1685 ~~rule, regulation, or ordinance imposed by any political~~  
1686 ~~subdivision of the state, or by any local pollution control~~  
1687 ~~program, was superseded during the certification process~~  
1688 ~~pursuant to s. 403.510(1), such rule, regulation, or ordinance~~  
1689 ~~shall continue to be superseded for purposes of the major source~~  
1690 ~~air operation permit program under s. 403.0872.~~

1691 Section 31. Section 403.511, Florida Statutes, is amended  
1692 to read:

1693 403.511 Effect of certification.--

1694 (1) Subject to the conditions set forth therein, any  
1695 certification ~~signed by the Governor~~ shall constitute the sole  
1696 license of the state and any agency as to the approval of the  
1697 site and the construction and operation of the proposed  
1698 electrical power plant, except for the issuance of department  
1699 licenses required under any federally delegated or approved  
1700 permit program and except as otherwise provided in subsection  
1701 (4).

1702 (2)(a) The certification shall authorize the licensee  
1703 ~~applicant~~ named therein to construct and operate the proposed  
1704 electrical power plant, subject only to the conditions of  
1705 certification set forth in such certification, and except for



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the issuance of department licenses or permits required under any federally delegated or approved permit program.

(b) 1. Except as provided in subsection (4), the certification may include conditions which constitute variances, exemptions, or exceptions from nonprocedural requirements of the department or any agency which were expressly considered during the proceeding, including but not limited to, any site specific criteria, standards, or limitations under local land use and zoning approvals which affect the proposed power plant or its site, unless waived by the agency as provided below and which otherwise would be applicable to the construction and operation of the proposed electrical power plant.

2. No variance, exemption, exception, or other relief shall be granted from a state statute or rule for the protection of endangered or threatened species, aquatic preserves, Outstanding National Resource Waters, or Outstanding Florida Waters or for the disposal of hazardous waste, except to the extent authorized by the applicable statute or rule or except upon a finding in the certification order ~~by the siting board~~ that the public interests set forth in s. 403.509(3) ~~403.502~~ in certifying the electrical power plant at the site proposed by the applicant overrides the public interest protected by the statute or rule from which relief is sought. ~~Each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the board to certify any electrical power plant proposed for certification. Failure of such notification by an agency shall be treated as a waiver from nonprocedural requirements of the department or any other agency. However, no variance shall be~~

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1737 ~~granted from standards or regulations of the department~~  
1738 ~~applicable under any federally delegated or approved permit~~  
1739 ~~program, except as expressly allowed in such program.~~

1740 (3) The certification and any order on land use and zoning  
1741 issued under this act shall be in lieu of any license, permit,  
1742 certificate, or similar document required by any state,  
1743 regional, or local agency pursuant to, but not limited to,  
1744 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,  
1745 chapter 253, chapter 298, chapter 370, chapter 373, chapter 376,  
1746 chapter 380, chapter 381, chapter 387, chapter 403, except for  
1747 permits issued pursuant to any federally delegated or approved  
1748 permit program ~~s. 403.0885~~ and except as provided in ~~s.~~  
1749 ~~403.509(3) and (6),~~ chapter 404, or the Florida Transportation  
1750 Code, ~~or 33 U.S.C. s. 1341.~~

1751 (4) This act shall not affect in any way the ratemaking  
1752 powers of the Public Service Commission under chapter 366; nor  
1753 shall this act in any way affect the right of any local  
1754 government to charge appropriate fees or require that  
1755 construction be in compliance with applicable building  
1756 construction codes.

1757 (5) (a) An electrical power plant certified pursuant to  
1758 this act shall comply with rules adopted by the department  
1759 subsequent to the issuance of the certification which prescribe  
1760 new or stricter criteria, to the extent that the rules are  
1761 applicable to electrical power plants. Except when express  
1762 variances, exceptions, exemptions, or other relief have been  
1763 granted, subsequently adopted rules which prescribe new or  
1764 stricter criteria shall operate as automatic modifications to  
1765 certifications.

1766 (b) Upon written notification to the department, any  
1767 holder of a certification issued pursuant to this act may choose

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to operate the certified electrical power plant in compliance with any rule subsequently adopted by the department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

(c) No term or condition of certification shall be interpreted to preclude the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings. This subsection shall apply to previously issued certifications.

(6) No term or condition of a site certification shall be interpreted to supersede or control the provisions of a final operation permit for a major source of air pollution issued by the department pursuant to s. 403.0872 to such facility certified under this part.

(7) No term or condition of a site certification shall be interpreted to supersede or control the provisions of a final operation permit for a major source of air pollution issued by the department pursuant to s. 403.0872, to a facility certified under this part.

(8) Pursuant to s. 380.23, electrical power plants are subject to the federal coastal consistency review program. Issuance of certification shall constitute the state's certification of coastal zone consistency.

Section 32. Section 403.5112, Florida Statutes, is created to read:

403.5112 Filing of notice of certified corridor route.--

(1) Within 60 days after certification of a directly associated linear facility pursuant to this act, the applicant shall file, in accordance with s. 28.222, with the department

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1798 and the clerk of the circuit court for each county through which  
1799 the corridor will pass, a notice of the certified route.

1800 (2) The notice shall consist of maps or aerial photographs  
1801 in the scale of 1:24,000 which clearly show the location of the  
1802 certified route and shall state that the certification of the  
1803 corridor will result in the acquisition of rights-of-way within  
1804 the corridor. Each clerk shall record the filing in the official  
1805 record of the county for the duration of the certification or  
1806 until such time as the applicant certifies to the department and  
1807 the clerk that all lands required for the transmission line  
1808 rights-of-way within the corridor have been acquired within such  
1809 county, whichever is sooner.

1810 Section 33. Section 403.5113, Florida Statutes, is created  
1811 to read:

1812 403.5113 Postcertification amendments.--

1813 (1) If, subsequent to certification by the board, a  
1814 licensee proposes any material change to the application and  
1815 revisions or amendments thereto, as certified, the licensee  
1816 shall submit a written request for amendment and a description  
1817 of the proposed change to the application to the department.  
1818 Within 30 days after the receipt of the request for the  
1819 amendment, the department shall determine whether the proposed  
1820 change to the application requires a modification of the  
1821 conditions of certification.

1822 (2) If the department concludes that the change would not  
1823 require a modification of the conditions of certification, the  
1824 department shall provide written notification of the approval of  
1825 the proposed amendment to the licensee, all agencies, and all  
1826 other parties.

1827 (3) If the department concludes that the change would  
1828 require a modification of the conditions of certification, the

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department shall provide written notification to the licensee that the proposed change to the application requires a request for modification pursuant to s. 403.516.

Section 34. Section 403.5115, Florida Statutes, is amended to read:

403.5115 Public notice; costs of proceeding.--

(1) The following notices are to be published by the applicant:

(a) Notice ~~A notice~~ of the filing of a notice of intent under s. 403.5063, which shall be published within 21 days after the filing of the notice. The notice shall be published as specified by subsection (2), except that the newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.

(b) Notice ~~A notice~~ of filing of the application, which shall include a description of the proceedings required by this act, within 21 days after the date of the application filing be published as specified in subsection (2), within 15 days after the application has been determined complete. Such notice shall give notice of the provisions of s. 403.511(1) and (2) and that the application constitutes a request for a federally required new source review or prevention of significant deterioration permit.

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 15 days after the determination is filed.

(d) Notice of the land use hearing, which shall be published as specified in subsection (2), no later than 15 45 days before the hearing.

(e) ~~(d)~~ Notice of the certification hearing and notice of the deadline for filing notice of intent to be a party, which shall be published as specified in subsection (2), at least 65

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1860 days before the date set for the certification ~~no later than 45~~  
1861 ~~days before the hearing.~~

1862 (f) Notice of the cancellation of the certification  
1863 hearing, if applicable, no later than 3 days before the date of  
1864 the originally scheduled certification hearing.

1865 (g)~~(e)~~ Notice of modification when required by the  
1866 department, based on whether the requested modification of  
1867 certification will significantly increase impacts to the  
1868 environment or the public. Such notice shall be published as  
1869 specified under subsection (2):

1870 1. Within 21 days after receipt of a request for  
1871 modification., ~~except that~~ The newspaper notice shall be of a  
1872 size as directed by the department commensurate with the scope  
1873 of the modification.

1874 2. If a hearing is to be conducted in response to the  
1875 request for modification, then notice shall be published no  
1876 later than 30 days before the hearing ~~provided as specified in~~  
1877 ~~paragraph (d).~~

1878 (h)~~(f)~~ Notice of a supplemental application, which shall  
1879 be published as specified in paragraph (1)(b) and subsection  
1880 (2). follows:

1881 ~~1. Notice of receipt of the supplemental application shall~~  
1882 ~~be published as specified in paragraph (b).~~

1883 ~~2. Notice of the certification hearing shall be published~~  
1884 ~~as specified in paragraph (d).~~

1885 (i) Notice of existing site certification pursuant to s.  
1886 403.5175. Notices shall be published as specified in paragraph  
1887 (1)(b) and subsection (2).

1888 (2) Notices provided by the applicant shall be published  
1889 in newspapers of general circulation within the county or  
1890 counties in which the proposed electrical power plant will be

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located. The newspaper notices shall be at least one-half page in size in a standard size newspaper or a full page in a tabloid size newspaper ~~and published in a section of the newspaper other than the legal notices section.~~ These notices shall include a map generally depicting the project and all associated facilities corridors. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(3) All notices published by the applicant shall be paid for by the applicant and shall be in addition to the application fee.

(4) The department shall arrange for publication of the following notices in the manner specified by chapter 120 and provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose:

(a) Notice Publish in the Florida Administrative Weekly ~~notices~~ of the filing of the notice of intent within 15 days after receipt of the notice.†

(b) Notice of the filing of the application, no later than 21 days after the application filing.†

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 15 days after the determination is filed.

(d) Notice of the land use hearing before the administrative law judge, if applicable, no later than 15 days before the hearing.†

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(e) Notice of the land use hearing before the board, if applicable.

(f) Notice of the certification hearing at least 45 days before the date set for the certification hearing.

(g) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days prior to the date of the originally scheduled certification hearing.

(h) Notice of the hearing before the board, if applicable.

(i) Notice and of stipulations, proposed agency action, or petitions for modification.

~~(b) Provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose.~~

~~(5) The applicant shall pay those expenses and costs associated with the conduct of the hearings and the recording and transcription of the proceedings.~~

Section 35. Section 403.513, Florida Statutes, is amended to read:

403.513 Review.--Proceedings under this act shall be subject to judicial review as provided in chapter 120. When possible, separate appeals of the certification order issued by the board and of any department permit issued pursuant to a federally delegated or approved permit program may ~~shall~~ be consolidated for purposes of judicial review.

Section 36. Section 403.516, Florida Statutes, is amended to read:

403.516 Modification of certification.--

(1) A certification may be modified after issuance in any one of the following ways:



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51 (a) The board may delegate to the department the authority  
1952 to modify specific conditions in the certification.

1953 (b)1. The department may modify specific conditions of a  
1954 site certification which are inconsistent with the terms of any  
1955 federally delegated or approved final air pollution operation  
1956 permit for the certified electrical power plant ~~issued by the~~  
1957 ~~United States Environmental Protection Agency under the terms of~~  
1958 ~~42 U.S.C. s. 7661d.~~

1959 2. Such modification may be made without further notice if  
1960 the matter has been previously noticed under the requirements  
1961 for any federally delegated or approved permit program.

1962 (c) The licensee may file a petition for modification with  
1963 the department or the department may initiate the modification  
1964 upon its own initiative.

1965 1. A petition for modification must set forth:

66 a. The proposed modification.

1967 b. The factual reasons asserted for the modification.

1968 c. The anticipated environmental effects of the proposed  
1969 modification.

1970 2. ~~(b)~~ The department may modify the terms and conditions  
1971 of the certification if no party to the certification hearing  
1972 objects in writing to such modification within 45 days after  
1973 notice by mail to such party's last address of record, and if no  
1974 other person whose substantial interests will be affected by the  
1975 modification objects in writing within 30 days after issuance of  
1976 public notice.

1977 3. If objections are raised or the department denies the  
1978 request, the applicant or department may file a request ~~petition~~  
1979 for a hearing on the modification with the department. Such  
1980 request shall be handled pursuant to chapter 120 paragraph (c).

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~~(c) A petition for modification may be filed by the applicant or the department setting forth:~~

- ~~1. The proposed modification,~~
- ~~2. The factual reasons asserted for the modification, and~~
- ~~3. The anticipated effects of the proposed modification on the applicant, the public, and the environment.~~

~~The petition for modification shall be filed with the department and the Division of Administrative Hearings.~~

4. Requests referred to the Division of Administrative Hearings shall be disposed of in the same manner as an application, but with time periods established by the administrative law judge commensurate with the significance of the modification requested.

(d) As required by s. 403.511(5).

~~(2) Petitions filed pursuant to paragraph (1)(c) shall be disposed of in the same manner as an application, but with time periods established by the administrative law judge commensurate with the significance of the modification requested.~~

(2)(3) Any agreement or modification under this section must be in accordance with the terms of this act. No modification to a certification shall be granted that constitutes a variance from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

Section 37. Section 403.517, Florida Statutes, is amended to read:

403.517 Supplemental applications for sites certified for ultimate site capacity.--

(1)(a) Supplemental ~~The department shall adopt rules governing the processing of supplemental applications may be~~

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submitted for certification of the construction and operation of electrical power plants to be located at sites which have been previously certified for an ultimate site capacity pursuant to this act. Supplemental applications shall be limited to electrical power plants using the fuel type previously certified for that site. Such applications shall include all new directly associated facilities that support the construction and operation of the electric power plant. ~~The rules adopted pursuant to this section shall include provisions for:~~

~~1. Prompt appointment of a designated administrative law judge.~~

~~2. The contents of the supplemental application.~~

~~3. Resolution of disputes as to the completeness and sufficiency of supplemental applications by the designated administrative law judge.~~

~~4. Public notice of the filing of the supplemental applications.~~

~~5. Time limits for prompt processing of supplemental applications.~~

~~6. Final disposition by the board within 215 days of the filing of a complete supplemental application.~~

(b) The review shall use the same procedural steps and notices as for an initial application.

(c) The time limits for processing of a complete supplemental application shall be designated by the department commensurate with the scope of the supplemental application, but shall not exceed any time limitation governing the review of initial applications for site certification pursuant to this act, it being the legislative intent to provide shorter time limitations for the processing of supplemental applications for electrical power plants to be constructed and operated at sites

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which have been previously certified for an ultimate site capacity.

~~(d)(e) Any time limitation in this section or in rules adopted pursuant to this section may be altered pursuant to s. 403.5095 by the designated administrative law judge upon stipulation between the department and the applicant, unless objected to by any party within 5 days after notice, or for good cause shown by any party. The parties to the proceeding shall adhere to the provisions of chapter 120 and this act in considering and processing such supplemental applications.~~

~~(2) Supplemental applications shall be reviewed as provided in ss. 403.507-403.511, except that the time limits provided in this section shall apply to such supplemental applications.~~

~~(3) The land use and zoning consistency determination of s. 403.50665 hearing requirements of s. 403.508(1) and (2) shall not be applicable to the processing of supplemental applications pursuant to this section so long as:~~

~~(a) The previously certified ultimate site capacity is not exceeded; and~~

~~(b) The lands required for the construction or operation of the electrical power plant which is the subject of the supplemental application are within the boundaries of the previously certified site.~~

~~(4) For the purposes of this act, the term "ultimate site capacity" means the maximum generating capacity for a site as certified by the board.~~

Section 38. Section 403.5175, Florida Statutes, is amended to read:

403.5175 Existing electrical power plant site certification.--

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74 (1) An electric utility that owns or operates an existing  
2075 electrical power plant as defined in s. 403.503(12) may apply  
2076 for certification of an existing power plant and its site in  
2077 order to obtain all agency licenses necessary to assure  
2078 compliance with federal or state environmental laws and  
2079 regulation using the centrally coordinated, one-stop licensing  
2080 process established by this part. An application for site  
2081 certification under this section must be in the form prescribed  
2082 by department rule. Applications must be reviewed and processed  
2083 using the same procedural steps and notices as for an  
2084 application for a new facility in accordance with ss. 403.5064-  
2085 403.5115, except that a determination of need by the Public  
2086 Service Commission is not required.

2087 (2) An application for certification under this section  
2088 must include:

89 (a) A description of the site and existing power plant  
2090 installations;

2091 (b) A description of all proposed changes or alterations  
2092 to the site or electrical power plant, including all new  
2093 associated facilities that are the subject of the application;

2094 (c) A description of the environmental and other impacts  
2095 caused by the existing utilization of the site and directly  
2096 associated facilities, and the operation of the electrical power  
2097 plant that is the subject of the application, and of the  
2098 environmental and other benefits, if any, to be realized as a  
2099 result of the proposed changes or alterations if certification  
2100 is approved and such other information as is necessary for the  
2101 reviewing agencies to evaluate the proposed changes and the  
2102 expected impacts;

2103 (d) The justification for the proposed changes or  
04 alterations;

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(e) Copies of all existing permits, licenses, and compliance plans authorizing utilization of the site and directly associated facilities or operation of the electrical power plant that is the subject of the application.

(3) The land use and zoning determination ~~hearing~~ requirements of s. 403.50665 ~~s. 403.508(1) and (2)~~ do not apply to an application under this section if the applicant does not propose to expand the boundaries of the existing site. If the applicant proposes to expand the boundaries of the existing site to accommodate portions of the plant or associated facilities, a land use and zoning determination shall be made ~~hearing must be held~~ as specified in s. 403.50665 ~~s. 403.508(1) and (2)~~; provided, however, that the sole issue for determination ~~through the land use hearing~~ is whether the proposed site expansion is consistent and in compliance with the existing land use plans and zoning ordinances.

(4) In considering whether an application submitted under this section should be approved in whole, approved with appropriate conditions, or denied, the board shall consider whether, and to the extent to which the proposed changes to the electrical power plant and its continued operation under certification will:

(a) Comply with the provisions of s. 403.509(3). ~~applicable nonprocedural requirements of agencies;~~

(b) Result in environmental or other benefits compared to current utilization of the site and operations of the electrical power plant if the proposed changes or alterations are undertaken. ~~†~~

~~(c) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment,~~

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35 ~~and the ecology of the land and its wildlife and the ecology of~~  
2136 ~~state waters and their aquatic life; and~~

2137 ~~(d) Serve and protect the broad interests of the public.~~

2138 (5) An applicant's failure to receive approval for  
2139 certification of an existing site or an electrical power plant  
2140 under this section is without prejudice to continued operation  
2141 of the electrical power plant or site under existing agency  
2142 licenses.

2143 Section 39. Section 403.518, Florida Statutes, is amended  
2144 to read:

2145 403.518 Fees; disposition.--

2146 (1) The department shall charge the applicant the  
2147 following fees, as appropriate, which, unless otherwise  
2148 specified, shall be paid into the Florida Permit Fee Trust Fund:

2149 (a) A fee for a notice of intent pursuant to s. 403.5063,  
50 in the amount of \$2,500, to be submitted to the department at  
2151 the time of filing of a notice of intent. The notice-of-intent  
2152 fee shall be used and disbursed in the same manner as the  
2153 application fee.

2154 (b) An application fee, which shall not exceed \$200,000.  
2155 The fee shall be fixed by rule on a sliding scale related to the  
2156 size, type, ultimate site capacity, or increase in electric  
2157 generating capacity proposed by the application, ~~or the number~~  
2158 ~~and size of local governments in whose jurisdiction the~~  
2159 ~~electrical power plant is located.~~

2160 1. Sixty percent of the fee shall go to the department to  
2161 cover any costs associated with coordinating the review  
2162 ~~reviewing~~ and acting upon the application, to cover any field  
2163 services associated with monitoring construction and operation  
2164 of the facility, and to cover the costs of the public notices  
65 published by the department.

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2. The following percentages ~~Twenty percent of the fee or \$25,000, whichever is greater,~~ shall be transferred to the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services:-

a. Five percent to compensate expenses from the initial exercise of duties associated with the filing of an application.

b. An additional 5 percent if a land use hearing is held pursuant to s. 403.508.

c. An additional 10 percent if a certification hearing is held pursuant to s. 403.508.

3.a. Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the agencies that prepared reports pursuant to s. 403.507 or participated in a hearing pursuant to s. 403.508, may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request shall contain an accounting of expenses incurred which may include time spent reviewing the application, ~~the department shall reimburse the Department of Community Affairs, the Fish and Wildlife Conservation Commission, and any water management district created pursuant to chapter 373, regional planning council, and local government in the jurisdiction of which the proposed electrical power plant is to be located, and any other agency from which the department requests special studies pursuant to s. 403.507(2)(a)7. Such reimbursement shall be authorized for the preparation of any studies required of the agencies by this act, and for agency travel and per diem to attend any hearing held pursuant to this act, and for any agency or local government's provision of notice of public meetings or hearings required as a result of the application for certification~~



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~~governments to participate in the proceedings. The department~~  
shall review the request and verify that the expenses are valid.  
Valid expenses shall be reimbursed; however, in the event the  
amount of funds available for reimbursement allocation is  
insufficient to provide for full compensation complete  
reimbursement to the agencies requesting reimbursement,  
reimbursement shall be on a prorated basis.

b. If the application review is held in abeyance for more  
than 1 year, the agencies may submit a request for  
reimbursement.

4. If any sums are remaining, the department shall retain  
them for its use in the same manner as is otherwise authorized  
by this act; provided, however, that if the certification  
application is withdrawn, the remaining sums shall be refunded  
to the applicant within 90 days after withdrawal.

(c)1. A certification modification fee, which shall not  
exceed \$30,000. The department shall establish rules for  
determining such a fee based on the equipment redesign, change  
in site size, type, increase in generating capacity proposed, or  
change in an associated linear facility location.

2. The fee shall be submitted to the department with a  
~~formal~~ petition for modification ~~to the department~~ pursuant to  
s. 403.516. This fee shall be established, disbursed, and  
processed in the same manner as the application fee in paragraph  
(b), except that the Division of Administrative Hearings shall  
not receive a portion of the fee unless the petition for  
certification modification is referred to the Division of  
Administrative Hearings for hearing. If the petition is so  
referred, only \$10,000 of the fee shall be transferred to the  
Administrative Trust Fund of the Division of Administrative  
Hearings of the Department of Management Services. ~~The fee for a~~

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2228 ~~modification by agreement filed pursuant to s. 403.516(1)(b)~~  
2229 ~~shall be \$10,000 to be paid upon the filing of the request for~~  
2230 ~~modification. Any sums remaining after payment of authorized~~  
2231 ~~costs shall be refunded to the applicant within 90 days of~~  
2232 ~~issuance or denial of the modification or withdrawal of the~~  
2233 ~~request for modification.~~

2234 (d) A supplemental application fee, not to exceed \$75,000,  
2235 to cover all reasonable expenses and costs of the review,  
2236 processing, and proceedings of a supplemental application. This  
2237 fee shall be established, disbursed, and processed in the same  
2238 manner as the certification application fee in paragraph (b),  
2239 ~~except that only \$20,000 of the fee shall be transferred to the~~  
2240 ~~Administrative Trust Fund of the Division of Administrative~~  
2241 ~~Hearings of the Department of Management Services.~~

2242 (e) An existing site certification application fee, not to  
2243 exceed \$200,000, to cover all reasonable costs and expenses of  
2244 the review processing and proceedings for certification of an  
2245 existing power plant site under s. 403.5175. This fee must be  
2246 established, disbursed, and processed in the same manner as the  
2247 certification application fee in paragraph (b).

2248 ~~(2) Effective upon the date commercial operation begins,~~  
2249 ~~the operator of an electrical power plant certified under this~~  
2250 ~~part is required to pay to the department an annual operation~~  
2251 ~~license fee as specified in s. 403.0872(11) to be deposited in~~  
2252 ~~the Air Pollution Control Trust Fund.~~

2253 Section 40. Any application for power plant certification  
2254 filed pursuant to ss. 403.501-403.518, Florida Statutes shall be  
2255 processed under the provisions of the law applicable at the time  
2256 the application was filed, except that the provisions related to  
2257 cancellation of the certification hearing under s. 403.508(6),  
2258 Florida Statutes the provisions related to the final disposition

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of the application and issuance of the written order by the secretary under s. 403.509(1)(a), Florida Statutes and notice of the cancellation of the certification hearing under s. 403.5115, Florida Statutes may apply to any application for power plant certification.

Section 41. Section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.--

(1) On request by an applicant or on its own motion, the commission shall begin a proceeding to determine the need for an electrical power plant subject to the Florida Electrical Power Plant Siting Act.

(2) The applicant ~~commission~~ shall publish a notice of the proceeding in a newspaper of general circulation in each county in which the proposed electrical power plant will be located. The notice shall be at least one-quarter of a page and published at least 21 ~~45~~ days prior to the scheduled date for the proceeding. The commission shall publish notice of the proceeding in the manner specified by chapter 120 at least 21 days prior to the scheduled date for the proceeding.

(3) The commission shall be the sole forum for the determination of this matter, which accordingly shall not be raised in any other forum or in the review of proceedings in such other forum. In making its determination, the commission shall take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the need for fuel diversity and supply reliability, and whether the proposed plant is the most cost-effective alternative available. The commission shall also expressly consider the conservation measures taken by or reasonably available to the applicant or its members which might mitigate

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2290 the need for the proposed plant and other matters within its  
2291 jurisdiction which it deems relevant. The commission's  
2292 determination of need for an electrical power plant shall create  
2293 a presumption of public need and necessity and shall serve as  
2294 the commission's report required by s. 403.407(2)(b)  
2295 ~~403.507(2)(a)~~2. An order entered pursuant to this section  
2296 constitutes final agency action.

2297 Section 42. This act shall take effect upon becoming a  
2298 law.

2299

2300 ===== T I T L E A M E N D M E N T =====

2301 Remove the entire title and insert:

2302 An act relating to energy; providing legislative findings  
2303 and intent; creating s. 377.801, F.S.; creating the  
2304 "Florida Renewable Energy Technologies and Energy  
2305 Efficiency Act"; creating s. 377.802, F.S.; stating the  
2306 purpose of the act; creating s. 377.803, F.S.; providing  
2307 definitions; creating s. 377.804, F.S.; creating the  
2308 Renewable Energy Technologies Grants Program; providing  
2309 program requirements and procedures, including matching  
2310 funds; creating s. 377.805, F.S.; creating the Energy  
2311 Efficient Appliance Rebate Program; providing program  
2312 requirements, procedures, and limitations; creating s.  
2313 377.806, F.S.; creating the Solar Energy System Incentives  
2314 Program; providing program requirements, procedures, and  
2315 limitations; requiring the Department of Environmental  
2316 Protection to adopt rules; creating s. 377.901, F.S.;  
2317 creating the Florida Energy Council within the Department  
2318 of Environmental Protection; providing purpose and  
2319 composition; providing for appointment of members and  
2320 their terms; providing for reimbursement for travel and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

per diem; requiring the department to provide certain services to the council; providing rulemaking authority; amending s. 212.08, F.S.; providing definitions for the terms "biodiesel" and "ethanol"; providing tax exemptions for the sale or use of certain energy efficient products; providing eligibility requirements and tax credit limits; directing the department to adopt rules; directing the department to determine and publish certain information relating to such exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Department of Environmental Protection for specified purposes; amending s. 220.02, F.S.; providing the order of application of the renewable energy technologies investment tax credit; creating s. 220.192, F.S.; establishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing certain authority to the Department of Environmental Protection and the Department of Revenue; directing the Department of Environmental Protection to determine and publish certain information; providing for repeal of the tax credit; amending s. 220.13, F.S.; providing an addition to the definition of "adjusted federal income"; amending s. 186.801, F.S.; revising the provisions of electric utility 10-year site plans to include the effect on fuel diversity; amending s. 366.04, F.S.; revising the safety standards for public utilities; amending s. 366.05, F.S.; authorizing the Public Service Commission to adopt certain construction standards and make certain determinations; directing the commission to conduct a study and provide a report by a certain date;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

2352 amending s. 403.503, F.S.; revising and providing  
2353 definitions applicable to the Florida Electrical Power  
2354 Plant Siting Act; amending s. 403.504, F.S.; providing the  
2355 Department of Environmental Protection with additional  
2356 powers and duties relating to the Florida Electrical Power  
2357 Plant Siting Act; amending s. 403.5055, F.S.; revising  
2358 provisions for certain permits associated with  
2359 applications for electrical power plant certification;  
2360 amending s. 403.506, F.S.; revising provisions relating to  
2361 applicability and certification of certain power plants;  
2362 amending s. 403.5064, F.S.; revising provisions for  
2363 distribution of applications and schedules relating to  
2364 certification; amending s. 403.5065, F.S.; revising  
2365 provisions relating to the appointment of administrative  
2366 law judges; amending s. 403.5066, F.S.; revising  
2367 provisions relating to the determination of completeness  
2368 for certain applications; creating s. 403.50663, F.S.;  
2369 authorizing certain local governments and regional  
2370 planning councils to hold an informational public meeting;  
2371 providing requirements and procedures therefor; creating  
2372 s. 403.50665, F.S.; requiring local governments to file  
2373 certain land use determinations; providing requirements  
2374 and procedures therefor; repealing s. 403.5067, F.S.;  
2375 relating to the determination of sufficiency for certain  
2376 applications; amending s. 403.507, F.S.; revising required  
2377 statement provisions for affected agencies; amending s.  
2378 403.508, F.S.; revising provisions related to land use and  
2379 certification proceedings; requiring certain notice;  
2380 amending s. 403.509, F.S.; revising provisions related to  
2381 the final disposition of certain applications; providing  
2382 requirements and provisions with respect thereto; amending

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

s. 403.511, F.S.; revising provisions related to the effect of certification for the construction and operation of proposed power plants; providing that issuance of certification meets certain consistency requirements; creating s. 403.5112, F.S.; requiring filing of notice for certified corridor routes; providing requirements and procedures with respect thereto; creating s. 403.5113, F.S.; authorizing postcertification amendments for power plant site certification applications; providing requirements and procedures with respect thereto; amending s. 403.5115, F.S.; requiring certain public notice for activities related to power plant site application, certification, and land use determination; providing requirements and procedures with respect thereto; directing the Department of Environmental Protection to maintain certain lists and provide copies to of certain publications; amending s. 403.513, F.S.; revising provisions for judicial review of appeals related to power plant site certification; amending s. 403.516, F.S.; revising provisions relating to modification of certification for power plant sites; amending s. 403.517, F.S.; revising the provisions relating to supplemental applications for certain power plant sites; amending s. 403.5175, F.S.; revising provisions relating to existing power plant site certification; revising the procedure for reviewing and processing applications; requiring additional information to be included in certain applications; amending s. 403.518, F.S.; revising the allocation of proceeds from certain fees collected; providing for reimbursement of certain expenses; directing the Department of Environmental Protection to establish

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1 Strike-All)

2414 rules for determination of certain fees; eliminating  
2415 certain operational license fees; providing for the  
2416 application, processing, approval, and cancellation of  
2417 power plant certification; amending s. 403.519, F.S.;  
2418 directing the Public Service Commission to consider fuel  
2419 diversity and reliability in certain determinations;  
2420 providing an effective date.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (2)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Utilities & Telecommunications  
2 Committee

3 Representative(s) Hasner offered the following:

4  
5 **Amendment to Strike-All Amendment (with directory and title**  
6 **amendments)**

7 Remove line(s) 168 and insert:

8  
9 solar thermal system, or a solar thermal pool heater, from July  
10 1, 2006 through June 30, 2010

11  
12  
13  
14 ===== T I T L E A M E N D M E N T =====

15 Remove line(s) and insert:

16  
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Utilities &  
Telecommunications Committee  
Representative(s) Hasner offered the following:

**Amendment to Strike-All Amendment (with directory and title amendments)**

Remove line(s) 203 and insert:

(4) SOLAR THERMAL POOL HEATER INCENTIVES.-

(a) Eligibility requirements. - A solar thermal pool heater qualifies for a rebate if: 1. The system is installed by a state-licensed solar or plumbing contractor. 2. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts. - Authorized rebates for installation of solar thermal pool heaters shall be \$100 per installation.

And renumber all subsequent paragraphs in the section accordingly

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (3)

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===== T I T L E   A M E N D M E N T =====

Remove line(s)                      and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (4)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Utilities &  
Telecommunications Committee  
Representative(s) Hasner offered the following:

**Amendment to Strike-All Amendment (with directory and title amendments)**

Remove line(s) 141 and insert:

The period from 12:01 a.m., October 5, through midnight, October 11, in each year from 2006 to 2009, shall be designated Energy Efficient Week. The tax levied under Chapter 212, Florida Statutes, may not be

===== T I T L E A M E N D M E N T =====

Remove line(s) 2310 - 2312 and insert:

Funds; creating s. 377.805, F.S., creating the Energy Efficient Products Sales Tax Holiday; providing a designation; specifying a period during which the sale of energy-efficient product is exempt from such tax; providing a limitation; providing a definition; creating s.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (4)

24

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (5)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Utilities &

Telecommunications Committee

Representative(s) Hasner offered the following:

**Amendment to Strike-All Amendment (with directory and title amendments)**

Remove line(s) 187 and insert:

not-for-profit organization, including condominiums or apartment buildings.

===== T I T L E A M E N D M E N T =====

Remove line(s) and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (6)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Utilities & Telecommunications  
2 Committee

3 Representative(s) Hasner offered the following:

4  
5 **Amendment to Strike-All Amendment (with directory and title**  
6 **amendments)**

7 Remove line(s) 227 - 229 and insert:

8  
9 the state. The council should advise the state on current and  
10 projected energy issues including, but not limited to,  
11 transportation, generation, transmission, distributed  
12 generation, fuel supply issues, emerging technologies,  
13 efficiency and conservation. In developing  
14  
15  
16

17 ===== T I T L E A M E N D M E N T =====

18 Remove line(s) and insert:  
19

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (7)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Hasner offered the following:

**Amendment to Strike-All Amendment (with directory and title  
amendments)**

Remove line(s) 234 - 235 and insert:

stakeholders, and may include utility providers, alternative  
energy providers, researchers, environmental scientists, fuel  
suppliers, technology manufacturers, environmental, consumer and  
public health

===== T I T L E A M E N D M E N T =====

Remove line(s) and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (8)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Utilities &  
Telecommunications Committee  
Representative(s) Hasner offered the following:

**Amendment to Strike-All Amendment (with directory and title amendments)**

Remove line(s) 213 - 216 and insert:

during the following fiscal year. Requests for rebates that are  
received in a fiscal year that are processed during the  
following fiscal year shall be given priority over requests for  
rebates received during that following fiscal year.

===== T I T L E A M E N D M E N T =====

Remove line(s) and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (9)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

<u>ADOPTED</u>	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Littlefield offered the following:

**Amendment to Strike-All Amendment (with directory and title  
amendments)**

Remove line(s) 201 and insert:  
organization, including condominiums or apartment buildings.  
Btu must be verified by approved metering

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (10)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
<u>WITHDRAWN</u>	✓ (Y/N)
OTHER	___

1 Council/Committee hearing bill: Utilities &  
2 Telecommunications Committee

3 Representatives Barreiro offered the following:

5 **Amendment (with title amendment)**

6 Between lines 693 and 694, insert:

7 Section 15. Section 220.193, Florida Statutes, is created  
8 to read:

9 220.193 Renewable energy production credit.--

10 (1) The purpose of this section is to encourage the  
11 generation of renewable energy in Florida.

12 (2) As used in this section, the term:

13 (a) "Commission" means the Florida Public Service  
14 Commission.

15 (b) "Renewable Florida energy" means renewable energy that  
16 is produced or generated in Florida.

17 (c) "Affected utility" means each public utility as  
18 defined in s. 366.02(1) and each municipal electric utility and  
19 rural electric cooperative subject to the provisions of s.  
20 366.91(4).

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (10)

21        (d) "Renewable energy project or contract approval" means  
22        approval by the commission of a project or contract for the  
23        production or purchase of renewable Florida energy, which  
24        approval shall specify the number of megawatts estimated to be  
25        sold each year of the contract, the renewable energy cost for  
26        the renewable Florida energy to be delivered pursuant to the  
27        contract, and the benchmark energy cost that is in effect as of  
28        the date of the renewable energy project or contract approval.

29        (e) "Approved renewable energy project or contract" means  
30        a project or contract for the production or purchase of  
31        renewable Florida energy that has been approved by the  
32        commission for purposes of being entitled to the tax credit  
33        provided in subsection (3).

34        (f) "Renewable energy cost" means the cost incurred by an  
35        affected utility in producing or purchasing the renewable  
36        Florida energy that it delivers to its customers, expressed on a  
37        per-megawatt-hour basis, as specified in an approved renewable  
38        energy project or contract.

39        (g) "Benchmark energy cost" means a rate set by the  
40        commission equal to the cost of producing electricity from a new  
41        base load, coal-fired power plant located in Florida or, if the  
42        commission determines it is more appropriate, the cost of  
43        producing electricity from a new nuclear power plant located in  
44        Florida, together in each event with all relevant costs of  
45        transmission, expressed on a per-megawatt-hour basis.

46        (3) A credit against the tax imposed by this chapter shall  
47        be allowed to an affected utility with respect to sales of  
48        renewable Florida energy pursuant to an approved renewable  
49        energy project or contract. The credit shall be in an amount  
50        equal to the lesser of:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (10)

51        (a) Five dollars for each megawatt hour of renewable  
52 Florida energy that the affected utility actually delivers to  
53 its customers pursuant to an approved renewable energy project  
54 or contract during such tax year; or

55        (b) Fifty percent of the excess, if any, of the renewable  
56 Florida energy cost, over the benchmark energy cost, for each  
57 megawatt hour of renewable Florida energy that the affected  
58 utility actually delivers to its customers pursuant to an  
59 approved renewable energy project or contract during such tax  
60 year.

61        (4) If the credit granted pursuant to this section is not  
62 fully used in one year because of insufficient tax liability on  
63 the part of the taxpayer, the unused amount may be carried  
64 forward for a period not to exceed 5 years. The carryover credit  
65 may be used in a subsequent year when the tax imposed by this  
66 chapter for such year exceeds the credit for such year under  
67 this section after applying the other credits and unused credit  
68 carryovers in the order provided in s. 220.02(8).

69        (5) Any renewable energy project or contract approval  
70 shall be a public record. The department shall be provided a  
71 copy of each renewable energy project or contract approval  
72 granted by the commission.

73        (6) The department may adopt rules pursuant to ss.  
74 120.536(1) and 120.54 necessary to administer this section,  
75 including rules prescribing forms, the documentation needed to  
76 substantiate a claim for the tax credit, and the specific  
77 procedures and guidelines for claiming the credit.

78  
79 ===== T I T L E   A M E N D M E N T =====

80        Remove line 45 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (10)

81 include the effect on fuel diversity; creating s. 220.193,  
82 F.S.; providing definitions; providing corporate tax  
83 credits for sales of renewable Florida energy; authorizing  
84 the Department of Revenue to adopt rules; amending s.  
85 366.04

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
<u>WITHDRAWN</u>	<input checked="" type="checkbox"/> (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Utilities &  
2 Telecommunications Committee

3 Representative Barreiro offered the following:

4 **Amendment (with title amendment)**

5 Between lines 757 and 758, insert:

6 Section 17. Section 366.91, Florida Statutes, is amended  
7 to read:

8 366.91 Renewable energy.--

9 (1) The Legislature finds that it is in the public  
10 interest to promote the development of renewable energy  
11 resources in this state. Renewable energy resources have the  
12 potential to help diversify fuel types to lessen meet Florida's  
13 ~~growing~~ dependency on natural gas and fuel oil for electric  
14 production, minimize the volatility of fuel costs, encourage  
15 investment within the state, improve environmental conditions,  
16 and make Florida a leader in new and innovative technologies.

17 (2) As used in this section, the term:

18 (a) "Biomass" means a power source that is comprised of,  
19 but not limited to, combustible residues or gases from forest  
20 products manufacturing, agricultural and orchard crops, waste  
21 products from livestock and poultry operations and food

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

(b) "Renewable energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations.

(c) "Renewable Florida energy" means renewable energy that is produced or generated in Florida.

(d) "Affected utility" means each public utility, as defined in s. 366.021(1), and each municipal electric utility and rural electric cooperative subject to the provisions of subsection(4).

(3) ~~On or before January 1, 2006,~~ Each public utility shall ~~must~~ continuously offer one or more long term a purchase contracts contract to producers of renewable energy. In addition, each public utility shall continuously offer to purchase renewable energy under the cogeneration-1 tariff, as available energy tariff. A renewable energy producer shall have the right to choose between the long-term purchase contract, or the cogeneration-1 tariff, as available energy tariff, or a combination of both, based on its own operational profile. The commission shall establish requirements relating to the purchase of renewable capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. ~~The contract shall contain payment provisions for energy and capacity which are based upon the utility's full avoided costs, as defined in s. 366.051; however,~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

52 ~~capacity payments are not required if, due to the operational~~  
53 ~~characteristics of the renewable energy generator or the~~  
54 ~~anticipated peak and off peak availability and capacity factor~~  
55 ~~of the utility's avoided unit, the producer is unlikely to~~  
56 ~~provide any capacity value to the utility or the electric grid~~  
57 ~~during the contract term. Each contract must provide a contract~~  
58 ~~term of at least 10 years. Prudent and reasonable costs~~  
59 ~~associated with a renewable energy contract shall be recovered~~  
60 ~~from the ratepayers of the contracting utility, without~~  
61 ~~differentiation among customer classes, through the appropriate~~  
62 ~~cost-recovery clause mechanism administered by the commission.~~

63 (4) ~~On or before January 1, 2006, Each municipal electric~~  
64 ~~utility and rural electric cooperative whose annual sales, as of~~  
65 ~~July 1, 1993, to retail customers were greater than 2,000~~  
66 ~~gigawatt hours must continuously offer one or more long term a~~  
67 ~~purchase contracts contract to producers of renewable energy~~  
68 ~~containing payment provisions for energy and capacity which are~~  
69 ~~based upon the utility's or cooperative's full avoided costs, as~~  
70 ~~determined by the governing body of the municipal utility or~~  
71 ~~cooperative; however, capacity payments are not required if, due~~  
72 ~~to the operational characteristics of the renewable energy~~  
73 ~~generator or the anticipated peak and off peak availability and~~  
74 ~~capacity factor of the utility's avoided unit, the producer is~~  
75 ~~unlikely to provide any capacity value to the utility or the~~  
76 ~~electric grid during the contract term. Each contract must~~  
77 ~~provide a contract term of at least 10 years.~~

78 (5) A contracting producer of renewable energy must pay  
79 the actual costs of its interconnection with the transmission  
80 grid or distribution system.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

81       (6) The commission shall encourage and promote the  
82       production of renewable Florida energy. Among other things, the  
83       commission shall take the following actions:

84       (a) The commission shall determine goals for the  
85       production and delivery of renewable Florida energy to Florida  
86       customers and shall use this determination to establish goals  
87       for each affected utility. The purpose of setting goals is to  
88       encourage the development of all renewable Florida energy that  
89       is or can become technically feasible while conforming to the  
90       cost effectiveness standards set forth herein.

91       (b) A goal shall be the minimum amount of renewable  
92       Florida energy that the affected utility shall deliver to its  
93       customers in a given year. A goal shall be expressed in megawatt  
94       hours per year.

95       (c) Each goal shall be established by the commission in an  
96       equitable manner. Each goal shall be based on the affected  
97       utility's pro rata share of statewide electricity sales or other  
98       factors the commission deems appropriate.

99       (d) The commission shall establish each goal as  
100       expeditiously as possible after this section is enacted into  
101       law. The commission shall reevaluate and update each goal  
102       periodically to ensure that all viable, cost effective sources  
103       of renewable Florida energy are being developed and utilized,  
104       subject to the other provisions of this section.

105       (e) The commission shall establish goals for the future  
106       based on a planning horizon of at least 5 years.

107       (f) When setting goals pursuant to subsection (6), the  
108       commission shall include the electrical generating capacity of  
109       all sources of renewable Florida energy that are in operation or  
110       under construction. The commission shall consider the future

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

111 electrical generating capacity of all sources of renewable  
112 Florida energy that are reasonably likely to be developed, given  
113 the relevant economic, regulatory, and technological constraints  
114 affecting such sources. The commission shall solicit and  
115 consider all relevant information from the affected utilities,  
116 the producers of renewable Florida energy, and the public.

117 (7) The commission shall grant relief from the goals in  
118 this section, if the commission finds that:

119 (a) The affected utility cannot comply because,  
120 notwithstanding the affected utility's diligent efforts to  
121 produce and purchase sufficient amounts of renewable Florida  
122 energy, there is an insufficient amount of renewable Florida  
123 energy available;

124 (b) Compliance would result in a significant disruption of  
125 electrical service or cause an undue hardship to the affected  
126 utility or its customers; or

127 (c) Compliance cannot reasonably be achieved because of  
128 other factors beyond the control of the affected utility.

129 (8) The commission may establish a trading program for  
130 renewable Florida energy. The trading program shall be designed  
131 to encourage and enable affected utilities to buy and sell  
132 renewable Florida energy, or credits for such energy, to readily  
133 satisfy the goals established pursuant to this section.

134 (9) An affected utility may satisfy its goals pursuant to  
135 this section, by producing its own renewable Florida energy or  
136 by purchasing renewable Florida energy from others.

137 (a) While evaluating its options for obtaining renewable  
138 Florida energy, an affected utility shall consider the cost  
139 effectiveness of each option, the reliability of the energy  
140 supply system and technology, the risk mitigation that will be

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

141 achieved by diversifying fuel and generation sources, the  
142 environmental attributes of each option, and other factors that  
143 the utility would normally consider when evaluating its power  
144 supply options. The affected utility shall also consider the  
145 contributions of each option to the objectives set forth in  
146 subsection (1).

147 (b) An affected utility shall use fair, equal, and  
148 consistent standards when comparing its ability to self-generate  
149 renewable Florida energy and its ability to purchase renewable  
150 Florida energy.

151 (c) An affected utility may develop standard contracts and  
152 purchasing procedures, provided such standards and procedures  
153 reasonably accommodate the economic and operating  
154 characteristics associated with the production of renewable  
155 Florida energy.

156 (d) Notwithstanding the provisions of this chapter, an  
157 affected utility may negotiate a bilateral contract of any  
158 duration with a producer of renewable Florida energy, without  
159 conducting a competitive procurement process, if the producer is  
160 not a subsidiary of the affected utility, or an affiliate, or  
161 otherwise related to the affected utility.

162 (10) The commission shall consider the following in  
163 determining the cost effectiveness of a renewable Florida energy  
164 resource:

165 (a) Notwithstanding the provisions of this chapter, the  
166 cost effectiveness of renewable Florida energy shall be  
167 evaluated on the basis of the economic and operating  
168 characteristics of renewable Florida energy resources and shall  
169 not be evaluated in comparison to the affected utility's avoided  
170 costs, as defined in s. 366.051.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

171        (b) As a reference benchmark, the commission may consider  
172 the cost of electricity produced in Florida by a base load  
173 electrical power plant using abundant domestic fuels, such as  
174 coal and nuclear. In addition, the commission should consider  
175 the environmental and economic development benefits of renewable  
176 Florida energy.

177        (c) The commission may presume that a project or contract  
178 is not cost effective if the total cost of the renewable Florida  
179 energy is more than ten cents per kilowatt hour, levelized over  
180 the life of the project or contract. The commission may reject  
181 resumption cases where it is demonstrated that the project or  
182 contact: is cost effective, due to site specific or other  
183 extraordinary factors; offers special benefits for the  
184 development of renewable Florida energy; or otherwise warrants  
185 approval. The commission may also periodically increase the  
186 limit of 10 cents per kilowatt hour, based on prevailing prices  
187 and market conditions, such as the cost of electricity generated  
188 at base load power plants in Florida that use coal or nuclear  
189 energy for fuel.

190        (11) The commission shall review and approve or reject,  
191 all tariffs and contracts for the purchase of renewable Florida  
192 energy, and all proposed projects for the self-generation of  
193 renewable Florida energy by affected utilities, involving more  
194 than 10 megawatts of renewable Florida energy. The commission  
195 shall determine whether the rates, terms, and conditions of the  
196 contracts and projects are fair, just, and reasonable. Prudent  
197 and reasonable costs associated with the production or purchase  
198 of renewable Florida energy shall be recovered from the  
199 ratepayers of a public utility, without differentiation between

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

200 customer classes, through the appropriate cost recovery clause  
201 mechanism, as administered by the commission.

202 (12) The commission shall establish rules and procedures  
203 for approving contracts for the production or purchase of  
204 renewable Florida energy for purposes of enabling affected  
205 utilities to qualify for the renewable energy tax credit  
206 pursuant to s. 220.192. Such rules and procedures shall ensure  
207 that the economic benefits of the tax credits are used by the  
208 affected utility in a manner that fully accrues to the benefit  
209 of the affected utility's ratepayers.

210 (13) The commission shall provide the Department of  
211 Revenue with a copy of each renewable energy project or contract  
212 approval granted by the commission. Each affected utility shall  
213 annually provide the commission with records identifying the  
214 amount of renewable Florida energy that the affected utility  
215 provided pursuant to an approved renewable energy project or  
216 contract.

217 (14) Each year the commission shall determine whether the  
218 affected utilities have complied with the goals established  
219 pursuant to subsection (6). If the commission determines that an  
220 affected utility has not satisfied its goal and is not entitled  
221 to relief pursuant to subsection (7), the commission shall take  
222 appropriate action to ensure that the objectives of this section  
223 are achieved.

224 (15) The commission shall establish the procedures for  
225 implementing the provisions in subsections (7)-(14), and shall  
226 take all necessary steps to ensure that these provisions are  
227 implemented in compliance with the Legislature's intent, as  
228 expressed herein. The commission may adopt rules to administer  
229 these sections.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (11)

===== T I T L E A M E N D M E N T =====

Remove line 51 and insert:

amending s. 366.91, F.S.; providing definitions; deleting  
certain requirements concerning payments for electrical  
capacity and energy based on a utility's avoided cost;  
authorizing the Florida Public Service Commission to  
establish annual goals for the delivery of renewable  
Florida energy by certain utilities to their customers;  
creating procedures for the establishment of goals;  
authorizing the commission to grant relief from the goals;  
authorizing the commission to establish a trading program  
for renewable Florida energy; authorizing affected  
utilities to satisfy the goals by producing or purchasing  
renewable Florida energy, subject to certain conditions;  
authorizing the commission to determine the cost  
effectiveness of renewable Florida energy resources;  
authorizing the commission to approve contracts for the  
purchase of renewable Florida energy; authorizing the  
commission to take appropriate action if the goals are not  
met; authorizing the commission to establish the  
procedures for implementation; authorizing the commission  
to adopt rules; amending s. 403.503, F.S.; revising and  
providing

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☐ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER ☐

1 Council/Committee hearing bill: Utilities &  
2 Telecommunications

3 Representative(s) Littlefield offered the following:  
4

5 **Amendment to Strike-all Amendment**

6 Remove line(s) 681, and insert:  
7 generating plants and transmission facilities,



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)  
ADOPTED AS AMENDED — (Y/N)  
ADOPTED W/O OBJECTION — (Y/N)  
FAILED TO ADOPT ✓ (Y/N)  
WITHDRAWN — (Y/N)  
OTHER —

13

Council/Committee hearing bill: Utilities & Telecommunications  
Committee  
Representative(s) Vana offered the following:

**Substitute Amendment for Amendment ( 1 ) by Representative  
Hasner (with directory and title amendments)**

Between lines 232 and 233 insert:

(2) (a) The council shall, by December 31, 2006, submit a  
report to the Governor, the Cabinet, the President of the  
Senate, and the Speaker of the House of Representatives which  
recommends consensus-based public-involvement processes to  
reduce greenhouse gas emissions in this state and to make such  
reductions and related economic, energy, and environmental co-  
benefits a state priority.

(b) The report must include recommended steps and a  
schedule for the development of a comprehensive state climate  
action plan with statewide greenhouse-gas-reduction goals and a  
range of specific policy options for all economic sectors to be  
developed through a public-involvement process, including  
transportation and land use; power generation; residential,  
commercial, and industrial activities; waste management;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

agriculture and forestry; emissions-reporting systems; and  
public education.

(c) The climate action plan must include:

1. Recommendations for the development of an annual  
greenhouse-gas-emissions inventory by the Department of  
Environmental Protection, recommendations for the development of  
a current comprehensive inventory of state greenhouse gas  
emissions since 1990 and a similar forecast of state greenhouse  
gas emissions from the present to the year 2020 or later.

2. Recommended steps to identify areas where specific  
greenhouse-gas-reduction policies are feasible; the costs and  
benefits of each recommendation; methods for helping  
individuals, institutions, and businesses reduce emissions; an  
implementation schedule; and identification of funding  
requirements for the development and implementation of  
strategies.

3. Consideration of the feasibility of establishing by law  
a greenhouse-gas-reduction target to lower greenhouse gas  
emissions in the state below the forecasted levels of emissions  
growth in the future at maximum achievable levels.

(d) The council may appoint technical advisory committees  
and technical assistance providers to provide recommendations to  
assist with the intent of this subsection.

===== T I T L E A M E N D M E N T =====

Remove line(s) 2318 and insert:  
of Environmental Protection; requiring a report; providing  
purpose and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)  
ADOPTED AS AMENDED — (Y/N)  
ADOPTED W/O OBJECTION — (Y/N)  
FAILED TO ADOPT ✓ (Y/N)  
WITHDRAWN — (Y/N)  
OTHER —

14

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Vana offered the following:

**Amendment to Amendment ( 1 ) by Representative Hasner (with  
directory and title amendments)**

Remove line(s) 616 and insert:

(b) The effect on fuel diversity within the state giving  
priority to fuel sources which do not have and detrimental  
impact on public health and the environment.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT ✓ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

5

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Vana offered the following:

**Substitute Amendment for Amendment ( 1 ) by Representative  
Hasner (with directory and title amendments)**

Between lines 628 and 629 insert:

(h) The commission shall consider a reasonable proxy for  
the future cost of a carbon constraint.

===== T I T L E A M E N D M E N T =====

Remove line(s) 2346 and insert:

include the effects on fuel diversity and carbon constraint;  
amending s. 366.04,

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Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)  
ADOPTED AS AMENDED — (Y/N)  
ADOPTED W/O OBJECTION — (Y/N)  
FAILED TO ADOPT ✓ (Y/N)  
WITHDRAWN — (Y/N)  
OTHER \_\_\_\_\_

1/6

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Vana offered the following:

**Amendment to Amendment ( 1 ) by Representative Hasner (with  
directory and title amendments)**

Between lines 1138 and 1139 insert:

(6) (a) If it is determined by the local government that  
the proposed site or directly associated facility does not  
conform with the existing land use plans and ordinances in  
effect as of the date of the application, the applicant and the  
local government shall be subject to binding arbitration. This  
event shall be considered good cause for alteration of time  
limits pursuant to s. 403.5095 and must be concluded prior to  
the certification hearing.

(b) If arbitration determines that the site does conform,  
the applicant resumes the certification process. If arbitration  
determines that the site does not conform, no further action may  
be taken on the application until the proposed site conforms to  
adopted land use plan or zoning ordinances.

===== T I T L E A M E N D M E N T =====

Remove line(s) 2374 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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24 and procedures therefore; providing for arbitration; repealing  
25 s. 403.5067, F.S.;

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Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT ✓ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Vana offered the following:

**Amendment to Amendment ( 1 ) by Representative Hasner  
(directory and title amendments)**

Remove line(s) 1354 through 1376 and insert:

(f) If it is determined by the board that the proposed site does not conform, it shall be the responsibility of the applicant to make the necessary application for rezoning. Should the application for rezoning be denied, the applicant may appeal this decision to the board, which may, if it determines after notice and hearing that it is in the public interest to authorize the use of the land as a site for an electrical power plant, authorize a variance to the adopted land use plan and zoning ordinances. In the event a variance is denied, no further action may be taken on the complete application by the department until the proposed site conforms to the adopted land use plan or zoning ordinances.

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Amendment No. (for drafter's use only)

24



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN ☒ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Antone offered the following:

**Substitute Amendment for Amendment ( 1 ) by Representative  
Hasner (with directory and title amendments)**

Remove line(s) 619 and insert:

(d) (e) Possible alternatives to the proposed plan,  
including;

1. If efficiency resources can provide an equal level of  
energy service at less cost to consumers;

2. If a distributed resource, whether a generating  
resource or an efficiency resource, can provide an equal level  
of energy service at a lower cost to ratepayers, and;

3. If the generation, transmission, and delivery of  
electricity and the selection of resource mix to meet the energy  
service needs of the commercial and residential customers of the  
state's electric utilities is accomplished compatibly with state  
and local goals of growth management.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN ☒ (Y/N)  
OTHER \_\_\_\_\_

19

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Antone offered the following:

**Amendment to Amendment ( 1 ) by Representative Hasner (with  
directory and title amendments)**

Remove line(s) 1176 and insert:  
planning, and impact on district-owned lands and works,  
including mercury impacts.

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Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)  
ADOPTED AS AMENDED — (Y/N)  
ADOPTED W/O OBJECTION — (Y/N)  
FAILED TO ADOPT — (Y/N)  
WITHDRAWN ✓ (Y/N)  
OTHER —

20

Council/Committee hearing bill: Utilities & Telecommunications  
Committee

Representative(s) Antone offered the following:

**Substitute Amendment for Amendment ( 1 ) by Representative  
Hasner (with directory and title amendments)**

Between lines 1196 and 1197 insert:

7. The Florida Department of Health shall address the  
impact of the proposed power plant on the public health. The  
Department of Health will conduct a comprehensive health impact  
study, which includes door-to-door surveys in a designated area  
of the county where the power plant is being proposed. The  
health impact study will be conducted by an independent  
consultant mutually agreed upon by the Florida Department of  
Health and the county health department in the jurisdiction of  
the siting. At the discretion of the Florida Department of  
Health or the county health department, adjacent and nearby  
counties may be included in the study and resulting report. The  
report from the health impact study will assess existing health  
conditions in the county where a new power plant is proposed, as  
well as future health impacts to include, but not limited to  
asthma attacks, cardiac problems, and upper and lower

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23 respiratory problems. The study will also consider the economic  
24 impacts of the associated health problems which may result in  
25 loss of productivity, lost work days, and other economic  
26 factors.  
27

**4/5/2006 3:30:00PM**